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(PREFIX TO STATUTES), 1960-1961

ACTS PROCLAIMED IN FORCE

LIST OF PROCLAMATIONS FROM AUGUST 27, 1960
TO OCTOBER 7, 1961

MISCELLANEOUS PROCLAMATIONS

AMENDMENT OF 1960 TO THE BRITISH NORTH AMERICA
ACT, 1867.



ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961



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CHAPTER 2

An Act to amend the British North America Act, 1867.
[20th December, 1960]

WHEREAS the Senate and House of Commons of Canada in Parliament assembled have submitted addresses to Her Majesty praying that Her Majesty may graciously be pleased to cause a measure to be laid before the Parliament of the United Kingdom for the enactment of the provisions hereinafter set forth:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. Section ninety-nine of the British North America Act, 1867, is hereby repealed and the following substituted therefor:—

“Tenure
of office
of judges.”

99.—(1) Subject to subsection (2) of this section, the judges of the superior courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

(2) A judge of a superior court, whether appointed before or after the coming into force of this section, shall cease to hold office upon attaining the age of seventy-five years, or upon the coming into force of this section if at that time he has already attained that age.”

Amendment
as to tenure
of office of
judges.
30 & 31 Vict.
c. 3.

Short title
and citation.

2. This Act may be cited as the British North America Act, 1960; and the British North America Acts, 1867 to 1952, and this Act may be cited together as the British North America Acts, 1867 to 1960.

Commence-
ment.

3. This Act shall come into force on the first day of March, nineteen hundred and sixty-one.

PROCLAMATIONS OF CANADA—AUGUST 27th, 1960 TO OCTOBER 7th 1961.

	DATE IN FORCE	CANADA GAZETTE
Acts Proclaimed:—		
Canada Elections Act, Chapter 39 of 1960 Statutes—certain provisions of the Act that did not come into force on the day the Act was assented to.....	23 March, 1961	Vol. 95, p. 1391
Canada Shipping Act, Chapter 29 of the 1952 Revised Statutes— Declaring the Harbour of Sydney to be a public harbour....	13 Oct., 1960	Vol. 94, p. 3588
Extension of the Harbour of Amherstburg, Ontario.....	24 May, 1961	Vol. 95, p. 1912
Declaring the Harbour of Seven Islands to be a public harbour	7 July, 1961	Vol. 95, p. 2428
Canada Shipping Act, an Act to amend.....	1 May, 1961	Vol. 95, p. 1649
Canadian Citizenship Act, Chapter 33 of the 1952 Revised Statutes —State of Singapore declared to be a country of the British Commonwealth.....	17 April, 1961	Vol. 95, p. 1391
Federation of Nigeria declared to be a country of the British Commonwealth.....	5 May, 1961	Vol. 95, p. 1648
Combines Investigation Act and the Criminal Code, an Act to amend, Chapter 45 of the 1960 Statutes.....	1 Dec., 1960	Vol. 94, p. 4348
Criminal Code, an Act to amend, Chapter 43, 1960–61 Statutes..	1 Sept., 1961	Vol. 95, p. 2953
Criminal Code (Capital Murder) an Act to amend Chapter 44 of the 1960–61 Statutes.....	1 Sept., 1961	Vol. 95, p. 2953
Diplomatic Immunities (Commonwealth Countries) Act, Chapter 54 of the 1953–54 Statutes—Designating Ghana as a country in respect of which the Act applies.....	13 Sept., 1961	Vol. 95, p. 3265
Food and Drugs Act, an Act to amend, Chapter 37 of the 1960–61 Statutes.....	15 Sept., 1961	Vol. 95, p. 2880
Forestry Act, Department of, Chapter 41 of the 1960 Statutes.....	1 Oct., 1960	Vol. 94, p. 3446
Government Companies Operation Act, Chapter 133 of the 1952 Revised Statutes—shall apply to Canadian National (West Indies) Steamships Limited.....	22 Dec., 1960	Vol. 94, p. 4559
Indian Act, Chapter 149 of the 1952 Revised Statutes—in force in the following Indian Reserves— Christian Island No. 30, Ontario Christian Island No. 30A, Ontario Muskeg Lake, No. 102, Saskatchewan Mistawasis, No. 103, Saskatchewan Muskowekwan, No. 85, Saskatchewan	22 Dec., 1960	Vol. 94, p. 4558
Indian Act, Chapter 149 of the 1952 Revised Statutes—in force in the following Reservations— Swan Lake No. 7 Indian Gardens, No. 8 Oxford House, No. 24 Rolling River, No. 67 Waterhen Lake, No. 130 Fishing Lake, No. 89 Fishing Lake, No. 89A	19 April, 1961	Vol. 95, p. 1476
		Manitoba
		Saskatchewan
Indian Act, Chapter 149 of the 1952 Revised Statutes—in force in the following Reservations—in Ontario: Oneida, No. 41 Caradoc, No. 42 (Munceys of the Thames) Caradoc, No. 42 (Chippewas of the Thames) Spanish River, No. 5	12 June, 1961	Vol. 95, p. 2085
Indian Act, Chapter 149 of the 1952 Revised Statutes—in force in the following Reserves—in Ontario: Sarnia, No. 45 in Saskatchewan: Kinistino, No. 91 Kinistino, No. 91A.	21 July, 1961	Vol. 95, p. 2597
Indian Act, Chapter 149 of the 1952 Revised Statutes—in force in the following Reserves—in Saskatchewan: Red Earth, No. 29; Amisk Lake, No. 184; Pelican Narrows, No. 184B; Woody Lake, No. 184D; Sturgeon Weir, No. 184F;	29 Aug., 1961	Vol. 95, p. 3113
		Carrot River, No. 29A; Birch Portage, No. 184A; Sandy Narrows, No. 184C; Mirond Lake, No. 184E; Southend, No. 200.

	DATE IN FORCE	CANADA GAZETTE
<i>Acts Proclaimed—continued</i>		
Indian Act, Chapter 149 of the 1952 Revised Statutes—in force in the following Reserves—in Saskatchewan: Meadow Lake, No. 105; Meadow Lake, No. 105A; Witcheakan Lake, No. 117; Ahtahkakoop (Sandy Lake), No. 104; Sturgeon Lake, No. 101; Sturgeon Lake, No. 101A.	17 Feb., 1961	Vol. 95, p. 700
Juvenile Delinquents Act, Chapter 160 of the 1952 Revised Statutes: in force in the County of Northumberland, province of New Brunswick.	11 March, 1961	Vol. 95, p. 884
Juvenile Delinquents Act, Chapter 160 of the 1952 Revised Statutes—in force in the County of Charlotte, province of New Brunswick.....	25 March, 1961	Vol. 95, p. 1065
Juvenile Delinquents Act, Chapter 160 of the 1952 Revised Statutes—in force in the County of Kent, province of New Brunswick.....	15 July, 1961	Vol. 95, p. 2428
Juvenile Delinquents Act, Chapter 160 of the 1952 Revised Statutes—in force in the Province of Nova Scotia.....	10 Oct., 1961	Vol. 95, p. 3367
Motor Vehicle Transport Act, Chapter 59 of the 1953-54 Statutes—in force in the province of Quebec.....	1 Jan., 1961	Vol. 95, p. 26
Nanaimo Harbour Commissioners Act, Chapter 19 of the 1960 Statutes.....	1 Jan., 1961	Vol. 94, p. 4559
Narcotic Control Act, Chapter 35 of the 1960-61 Statutes.....	15 Sept., 1961	Vol. 95, p. 2880
Navigable Waters Protection Act, Chapter 193 of the 1952 Revised Statutes—certain parcel of land in Labrador exempted from the operation of s.20 of the Act.....	3 Jan., 1961	Vol. 95, p. 252
Navigable Waters Protection Act, Chapter 193 of the 1952 Revised Statutes—Shoal Arm in province of Newfoundland exempted from the operation of s.19 of the Act.....	3 May, 1961	Vol. 95, p. 1648
Oshawa Harbour Commissioners Act, Chapter 21 of the 1960 Statutes.....	7 April, 1961	Vol. 95, p. 1391
Penitentiary Act, Chapter 206 of the 1952 Revised Statutes—declaring certain lands at Kingston, Ontario, shall cease to be a penitentiary.....	2 Nov., 1960	Vol. 94, p. 3879
Penitentiary Act, Chapter 206 of the 1952 Revised Statutes—certain parcels of land situated in the Township of Muskoka in District of Muskoka, province of Ontario, declared to be a penitentiary.....	12 June, 1961	Vol. 95, p. 2086
Penitentiary Act, Chapter 206 of the 1952 Revised Statutes—certain tract of land in Township of Kingston, Ontario, declared to be no longer a penitentiary.....	31 July, 1961	Vol. 95, p. 2721
Penitentiary Act, Chapter 206 of the 1952 Revised Statutes—certain lands in the provinces of British Columbia, Ontario and Quebec, declared to be penitentiaries (Agassiz, Petawawa and Gatineau Correctional Camps).....	22 Aug. 1961	Vol. 95, p. 3030
Railway Operation Continuation Act, Chapter 2 of the 1960-61 Statutes.....	3 Dec., 1960	Vol. 94, p. 4264
Small Businesses Loans Act, Chapter 5 of the 1960-61 Statutes...	19 Jan., 1961	Vol. 95, p. 208
<i>Miscellaneous Proclamations:—</i>		
Assumption of the office and duties of Administrator of the Government of Canada by the Hon. Patrick Kerwin.....	15 July, 1961	Vol. 95, p. 2504
Fire Prevention Week, October 8 to 14th, 1961.....	8 Oct., 1961	Vol. 95, p. 2354
<i>Parliament:—</i>		
Opening of Parliament.....	17 Nov., 1960	Vol. 94, p. 3788
Prorogation.....	29 Sept., 1961	Vol. 95, p. 3471



ACTS OF THE
PARLIAMENT OF CANADA

PASSED IN THE SESSION HELD IN THE
NINTH AND TENTH YEARS OF THE REIGN OF HER MAJESTY
QUEEN ELIZABETH II

BEING THE
FOURTH SESSION OF THE TWENTY-FOURTH PARLIAMENT

Begun and holden at Ottawa, on the Seventeenth day of November, 1960,
and prorogued on the twenty-ninth day of September, 1961.

HIS EXCELLENCY MAJOR-GENERAL
GEORGES PHILIAS VANIER
GOVERNOR GENERAL

PART I
PUBLIC GENERAL ACTS

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 ELIZABETH II.

CHAP. 1

An Act to amend the National Housing Act, 1954.

[Assented to 2nd December, 1960.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1953-54, c. 23;
1956, c. 9;
1957-58, c. 18;
1958, c. 3;
1959, c. 6;
1960, c. 10.

1. Paragraph (c) of subsection (2) of section 4 of the *National Housing Act, 1954*, is repealed and the following substituted therefor:

“(c) by more than one-half of one per cent in respect of loans made under section 16, Part VIA or Part VIB;”

2. (1) Subparagraph (i) of paragraph (c) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

“(i) 95% of the lending value, and”

(2) Subparagraph (i) of paragraph (d) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

1957-58, c. 18,
s. 1(1).

“(i) 95% of the first \$12,000 of the lending value or any part thereof,”

(3) Subparagraph (i) of paragraph (e) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

1957-58, c. 18,
s. 1(1).

“(i) 95% of the first \$12,000 of one-half of the lending value or any part thereof,”

(4) Subparagraph (iii) of paragraph (e) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

1957-58, c. 18,
s. 1(1).

“(iii) 85% of the other one-half of the lending value, and”

(5) Subparagraphs (i) and (ii) of paragraph (f) of subsection (1) of section 7 of the said Act are repealed and the following substituted therefor:

- “(i) 95% of the first one-half of the lending value,
(ii) 85% of the other one-half of the lending value,
and”

1957-58, c. 18.
s. 1(2).

(6) Subparagraph (i) of paragraph (g) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

- “(i) 95% of the first \$12,000 of the lending value of each house or any part thereof,”

1957-58, c. 18.
s. 1(2).

(7) Subparagraph (i) of paragraph (h) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

- “(i) 95% of the first \$12,000 of one-half of the lending value of each house or any part thereof,”

1957-58, c. 18
s. 1(2).

(8) Subparagraph (iii) of paragraph (h) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

- “(iii) 85% of the other one-half of the lending value of each house, and”

(9) Subparagraph (i) of paragraph (i) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

- “(i) 85% of the lending value of the multiple family dwellings, and”

(10) Subparagraph (i) of paragraph (j) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

- “(i) 85% of the lending value of the project, and”

(11) Subparagraph (i) of paragraph (o) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

- “(i) for a term of at least twenty-five years but not more than thirty-five years, or”

(12) Paragraph (p) of subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

- “(p) when made to assist in the construction of a rental housing project, it is for a term not in excess of thirty-five years;”

1956, c. 9, s. 7.

3. Paragraph (a) of subsection (8) of section 23 of the said Act is repealed and the following substituted therefor:

- “(a) fifty million dollars, and”

1956, c. 9,
s. 8(1).

4. Paragraph (d) of subsection (1) of section 24 of the said Act is repealed and the following substituted therefor:

- “(d) the principal amount of the loan did not at the time of the making of the loan, together with the amount

owing in respect of other guaranteed home improvement loans previously made to the borrower in respect of the home on which the loan was to be expended and disclosed in his application or of which the bank or approved instalment credit agency had knowledge, exceed the sum of four thousand dollars in the case of a one-family dwelling or the sum of four thousand dollars for the first family housing unit and an additional one thousand five hundred dollars for every other family housing unit in the case of a home consisting of more than one family housing unit;"

5. Section 26 of the said Act is repealed and the following substituted therefor: 1956, c. 9, s. 9.

"26. The Corporation is not liable under this Part to make any payment to a bank or approved instalment credit agency in respect of loss sustained by it as a result of a home improvement loan or a home extension loan made after the aggregate principal amount of guaranteed home improvement loans and guaranteed home extension loans equals five hundred million dollars." No liability after loans aggregate \$500,000,000.

6. Subsection (1) of section 36 of the said Act is repealed and the following substituted therefor: 1956, c. 9, s. 15(1).

"36. (1) The Corporation may, pursuant to agreements made between the Government of Canada and the government of any province, undertake jointly with the government of the province or any agency thereof projects for Corporation may undertake projects jointly with provinces.

- (a) the acquisition and development of land for housing purposes;
- (b) the construction of housing projects for sale or for rent; and
- (c) the acquisition, improvement and conversion for housing purposes of existing buildings situated in an area specified in an agreement between the province, a municipality in that province and the Corporation as an urban renewal area."

7. The said Act is further amended by adding thereto, immediately after Part VI thereof, the following Parts:

"PART VI.A.

LOANS FOR UNIVERSITY HOUSING PROJECTS.

36A. In this Part, "university housing project" means a project undertaken by a university to provide dormitory accommodation for students resident at that university, "University housing project" defined.

including such other facilities in connection therewith as are, in the opinion of the Corporation, necessary for the operation of the project.

Loans to universities for university housing projects.

36B. (1) The Corporation may, with the approval of the Governor in Council, make a loan to a university for the purpose of assisting in the construction of a university housing project or the acquisition of existing buildings and their conversion into a university housing project.

Conditions under which loans may be made.

- (2) A loan made under the authority of this section shall
- (a) bear interest at a rate prescribed by the Governor in Council;
 - (b) not exceed ninety per cent of the cost of the project as determined by the Corporation;
 - (c) be for a term not exceeding the useful life of the project, to be fixed by the Corporation, and in any case not exceeding fifty years from the date of completion of the project;
 - (d) be secured by a first mortgage upon the project in favour of the Corporation or such other security as the Corporation deems necessary to safeguard the interests of the Corporation; and
 - (e) be repayable in full during the term thereof by equal payments of principal and interest not less frequently than semi-annually.

Expenditures paid out of C. R. F.

36c. (1) Subject to subsection (2), out of the Consolidated Revenue Fund, the Minister

- (a) may, upon terms and conditions approved by the Governor in Council, advance to the Corporation amounts required for the purpose of making loans under this Part; and
- (b) shall reimburse the Corporation for losses sustained by it in respect of loans made under this Part.

Limits on payments out of C.R.F.

(2) The amount of an advance or reimbursement under subsection (1) shall not be greater than the amount by which fifty million dollars exceeds the aggregate of

- (a) the total amount of advances made under paragraph (a) of subsection (1); and
- (b) the total amount of reimbursements made under paragraph (b) of subsection (1).

Regulations.

36D. The Governor in Council may by regulation make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this Part.

PART VI B.

LOANS FOR MUNICIPAL SEWAGE TREATMENT PROJECTS.

36E. In this Part,

- (a) "municipal sewerage corporation" means a corporation established for the purpose of constructing and operating facilities for the collection and treatment of sewage from one or more municipalities; and
- (b) "sewage treatment project" means a project consisting of a trunk sewage collector system, a central treatment plant or both for the collection and treatment of sewage from one or more municipalities.

Definitions.
 "Municipal sewerage corporation."
 "Sewage treatment project."

36F. (1) In order to assist in the elimination or prevention of water and soil pollution in any municipality the Corporation may, with the approval of the Governor in Council, make a loan to a municipality or a municipal sewerage corporation for the purpose of assisting in the construction or expansion of a sewage treatment project.

Loans to municipalities and municipal sewerage corporations for sewage treatment projects.
 Conditions under which loans may be made.

- (2) A loan made under the authority of this section shall
 - (a) bear interest at a rate prescribed by the Governor in Council;
 - (b) not exceed two-thirds of the cost of the project as determined by the Corporation;
 - (c) be for a term not exceeding the useful life of the project, to be fixed by the Corporation, and in any case not exceeding fifty years from the date of completion of the project;
 - (d) be secured by debentures issued by the municipality or municipal sewerage corporation or by such other security as the Corporation deems necessary to safeguard the interests of the Corporation; and
 - (e) subject to section 36G, be repayable during the term thereof by such payments of principal and interest as may be agreed upon by the Corporation and the municipality or municipal sewerage corporation, such payments to be not less frequently than annually.

(3) A loan may only be made under this section to a municipality or municipal sewerage corporation if evidence satisfactory to the Corporation has been furnished as to the need for a sewage treatment project in the municipality to eliminate or prevent water or soil pollution.

Idem.

36G. (1) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is completed to the satisfaction of the Corporation on or before the 31st day of March, 1963, the Corporation may forgive payment by the municipality or municipal sewerage corporation of

Reduction of indebtedness where project completed on or before March 31, 1963.

- (a) 25% of the principal amount of the loan; and
- (b) 25% of the interest that has accrued in respect of the loan as of the date of completion of the project.

Reduction in indebtedness where project completed after March 31, 1963.

(2) Where the construction of a sewage treatment project in respect of which a loan is made under the authority of this Part is not completed on or before the 31st day of March, 1963, the Corporation may forgive payment by the municipality or municipal sewerage corporation of

- (a) 25% of that portion of the principal amount of the loan that has been advanced to the municipality or municipal sewerage corporation as of the 31st day of March, 1963; and
- (b) 25% of the interest that has accrued as of the 31st day of March, 1963, on the portion of the loan referred to in paragraph (a).

Expenditures paid out of C. R. F.

36H. (1) Subject to subsection (3), out of the Consolidated Revenue Fund, the Minister

- (a) may, upon terms and conditions approved by the Governor in Council, advance to the Corporation amounts required for the purpose of making loans under this Part;
- (b) shall reimburse the Corporation for losses sustained by it in respect of loans made under this Part; and
- (c) shall reimburse the Corporation for amounts loaned to municipalities and municipal sewerage corporations, and forgiven by the Corporation pursuant to section 36G.

Special account established.

(2) A special account shall be established in the Consolidated Revenue Fund for the purposes of this Part to which advances made under subsection (1) shall be charged.

Limits on payments out of C. R. F.

(3) A payment of an advance or a reimbursement under subsection (1) shall not be greater than the amount by which the aggregate of

- (a) one hundred million dollars, and
 - (b) any additional amounts authorized by Parliament for the purposes of this subsection
- exceeds the aggregate of
- (c) the total amount of advances charged to the special account, and
 - (d) the total amount of reimbursements made under subsection (1).

Regulations

36I. The Governor in Council may make regulations to provide for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes or provisions of this Part."

9 ELIZABETH II.

CHAP. 2

An Act to provide for the Continuation of the Operation of Railways.

[Assented to 2nd December, 1960.]

WHEREAS the processes of collective bargaining between the major railway companies and the representatives of their non-operating employees have failed to produce agreement, and the public interest requires that further efforts to reach agreement be resumed at a more favourable time without prejudice to the rights of either party and without interruption of railway service; Preamble.

Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Railway Operation Continuation Act*. Short title.

INTERPRETATION.

2. In this Act,

- (a) "existing collective agreement" means a collective agreement between any railway company and any union that was made effective on the 1st day of January, 1958, more particularly described in the master agreement entered into on the 26th day of November, 1958, between the railway companies and their non-operating employees represented by the unions; Definitions
"Existing
collective
agreement."
- (b) "railway company" means a company listed in Schedule A; and "Railway
company."
- (c) "union" means a trade union listed in Schedule B. "Union."

EXTENSION OF COLLECTIVE AGREEMENTS.

Collective agreements extended.

3. Subject to this Act, the term of each existing collective agreement is extended to include the period beginning on the commencement of this Act and ending on the day on which a new collective agreement between the parties thereto in amendment or revision thereof comes into effect.

RESUMPTION OF RAILWAY SERVICES.

Railway companies to resume and continue railway operations.

4. (1) Forthwith upon the commencement of this Act, every railway company shall resume and shall continue the operation of the railway services that were being operated by the company on the 26th day of November, 1960, but nothing in this section shall be construed to require any railway company to operate any services the discontinuance of which is authorized by the Board of Transport Commissioners for Canada under the provisions of the *Railway Act*.

Reinstatement of employees

(2) Every railway company shall forthwith reinstate every employee who was laid off or discharged since the 1st day of November, 1960, by reason of a curtailment or discontinuance of any of the operations of the company in anticipation of a strike by the employees of the company.

GENERAL.

Suspension of strike notice.

5. Every person who at the commencement of this Act was authorized on behalf of a union to bargain collectively with a railway company for the revision or amendment of an existing collective agreement shall forthwith give notice to the members of the union that any declaration, authorization or direction to go on strike, declared, authorized or given to them before the commencement of this Act has been suspended by reason of the coming into force of this Act.

Rights preserved.

6. When this Act expires, nothing in this Act or in the operation thereof shall be construed

(a) as having affected any right or privilege that any railway company, union or member of a union had under the *Industrial Relations and Disputes Investigation Act* immediately before the commencement of this Act, and any such right or privilege shall continue as though this Act had not been passed; or

- (b) as requiring any union or railway company to do anything pursuant to or in compliance with the *Industrial Relations and Disputes Investigation Act* in relation to any existing collective agreement that was done immediately before the commencement of this Act.

7. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council, and shall expire on the 15th day of May, 1961, or on the day that new collective agreements are concluded with each union, whichever is the earlier.

Coming into
force and
termination.

SCHEDULE A.

Canadian National Railways,
 Canadian Pacific Railway Company,
 Toronto, Hamilton and Buffalo Railway Company,
 Ontario Northland Railway,
 The Algoma Central and Hudson Bay Railway Company,
 The Midland Railway Company of Manitoba.

SCHEDULE B.

Brotherhood of Maintenance of Way Employees,
 Brotherhood of Railway and Steamship Clerks, Freight Handlers,
 Express and Station Employees,
 Division No. 4, Railway Employees' Department, A.F. of L.-C.I.O.,
 Canadian National Railway System Federation No. 11,
 International Association of Machinists,
 International Brotherhood of Boilermakers, Iron Ship Builders,
 Blacksmiths, Forgers and Helpers of America,
 Brotherhood of Railway Carmen of America,
 International Brotherhood of Firemen and Oilers Helpers, Roundhouse
 and Railway Shop Employees,
 International Brotherhood of Electrical Workers,
 United Association of Journeymen and Apprentices of the Plumbing
 and Pipe Fitting Industry of the United States and Canada,
 International Moulders' and Foundry Workers' Union of North
 America,
 Sheet Metal Workers' International Association,
 The Commercial Telegraphers' Union,
 Brotherhood of Railroad Signalmen of America,
 The Order of Railroad Telegraphers,
 Canadian Brotherhood of Railway, Transport and General Workers,
 Brotherhood of Sleeping Car Porters, Train, Chair Car, Coach Porters
 and Attendants.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1960

9 ELIZABETH II.

CHAP. 3

An Act for granting to Her Majesty certain sums of money for the public service of the financial year ending the 31st March, 1961.

[Assented to 20th December, 1960.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, Major-General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada, and the estimates accompanying the said message, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1961, and for other purposes connected with the Public Service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act, No. 7, 1960.* Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole fifty-six million, ninety-two thousand, nine hundred and eighteen dollars towards defraying the several charges and expenses of the public service, from the 1st day of April, 1960, to the 31st day of March, 1961, not otherwise provided for, and being the total of the amounts of the items, set forth in the Schedule to this Act. \$56,092,918 granted for 1960-61.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein. Purpose and effect of each item.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1960.

Account to be rendered.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Further Supplementary Estimates (4), 1960-61. The amount hereby granted is \$56,092,918, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1961, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
CITIZENSHIP AND IMMIGRATION			
INDIAN AFFAIRS BRANCH			
	Indian Agencies—		
578	Operation and Maintenance—Further amount required.....	50,000	
579	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	266,500	
	Welfare of Indians—		
580	Operation and Maintenance—Further amount required.....	35,000	
581	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	215,000	
	Economic Development of Indians—		
582	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	5,000	
	Indian Education—		
583	Administration, Operation and Maintenance—Further amount required.....	483,000	
584	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	245,000	
			1,299,500
EXTERNAL AFFAIRS			
A—DEPARTMENT			
CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS			
	Bilateral Economic Aid Programs—		
585	West Indies Assistance Program—Further amount required.	750,000	
	Special Aid Programs—		
586	Contribution towards the administrative expenses of the Freedom-from-Hunger Campaign of the Food and Agriculture Organization.....	23,000	
			773,000
FINANCE			
CONTINGENCIES AND MISCELLANEOUS			
587	Miscellaneous minor or unforeseen expenses, subject to the approval of the Treasury Board, including authority to re-use any sums repaid to this appropriation from other appropriations, and for awards under the Public Servants Inventions Act—Further amount required.....		1,500,000
FISHERIES			
SPECIAL			
588	Assistance in the construction of bait freezing and storage facilities, subject to regulations established by the Governor in Council—Further amount required.....	12,992	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES—Concluded		
	FISHERIES RESEARCH BOARD OF CANADA		
589	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	50,000	62,992
	JUSTICE		
	A—DEPARTMENT		
590	Bankruptcy Act Administration—Further amount required....	50,000	
	B—PENITENTIARIES		
591	Construction, Improvements and Equipment—Further amount required.....	315,000	365,000
	LABOUR		
	A—DEPARTMENT		
	SPECIAL SERVICES		
592	Payments, in accordance with terms and conditions approved by the Governor in Council, to Provinces and in respect of Indian Bands under the Municipal Winter Works Incentive Program during the 1960-61 and 1961-62 fiscal years of amounts not exceeding one-half of the cost of labour incurred in the period from the 15th day of October, 1960, to such day in the fiscal year 1961-62 as may be determined by the Governor in Council.....	30,000,000	
	VOCATIONAL TRAINING CO-ORDINATION		
593	Administration—Further amount required.....	30,000	
594	To carry out the purposes of the Vocational Training Co-ordination Act and agreements made thereunder—Payments to the Provinces—Further amount required.....	700,000	30,730,000
	LEGISLATION		
	THE SENATE		
595	General Administration—Further amount required.....		25,000
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
596	Departmental Administration— Acquisition of Common-Use Field Survey and Other Equipment—Further amount required.....	100,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS			
<i>—Concluded</i>			
SURVEYS AND MAPPING BRANCH			
597	Geodetic Survey of Canada—Further amount required.....	5,000	
598	Canadian Hydrographic Service— Administration, Operation and Maintenance—Further amount required.....	185,000	
599	Topographical Surveys— Construction or Acquisition of Equipment—Further amount required.....	5,000	
600	Legal Surveys and Aeronautical Charts—Further amount required.....	5,000	
GEOLOGICAL SURVEY OF CANADA			
601	Construction or Acquisition of Equipment—Further amount required.....	125,000	
MINES BRANCH			
602	Construction or Acquisition of Equipment—Further amount required.....	110,000	
DOMINION OBSERVATORIES			
603	Dominion Observatory, Ottawa and Field Stations— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	30,000	
604	Dominion Astrophysical Observatory, Victoria, B.C.— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	15,000	
GENERAL			
605	Polar Continental Shelf Project—Further amount required....	20,000	
			600,000
NATIONAL HEALTH AND WELFARE			
NATIONAL HEALTH BRANCH			
606	Indian and Northern Health Services— Construction or Acquisition of Buildings, Works Land and Equipment—Further amount required.....		657,334
NATIONAL RESEARCH COUNCIL			
607	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....		171,500
NATIONAL REVENUE			
CUSTOMS AND EXCISE DIVISIONS			
608	Ports— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....		24,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
609	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Camp-ground and Picnic Area Developments—Further amount required.....	600,000	
610	Contributions to the Provinces to assist in the development of roads leading to resources in accordance with agreements entered into by Canada and the Provinces—Further amount required.....	4,000,000	
	NATIONAL PARKS BRANCH		
611	National Parks and Historic Sites Services— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	3,850,335	
	WATER RESOURCES BRANCH		
612	Water Resources Branch— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	47,000	
	NORTHERN ADMINISTRATION BRANCH		
613	Welfare and Industrial Divisions— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	78,500	
614	Northwest Territories and Other Field Services— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	204,500	
	FORESTRY BRANCH		
615	Forest Research Division— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	44,040	
616	Forestry Operations Division— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	12,150	
617	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them in establishing forest access roads and trails for the attainment of adequate fire protection as well as other aspects of forest management.....	830,000	
			9,666,525
	PRIVY COUNCIL		
	SPECIAL		
618	Expenses of the Royal Commission on railway problems— Further amount required.....	89,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PRIVY COUNCIL—Concluded		
	SPECIAL—Concluded		
619	Expenses of the Royal Commission on Canadian Magazines and Other Periodicals including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	78,650	
620	Expenses of the Royal Commission on the Motor Vehicles Industries including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	75,450	
621	Expenses of the Royal Commission on Government Organization including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	250,000	
			493,100
	PUBLIC WORKS		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
622	Quebec.....	1	
623	Ontario.....	1	
624	Saskatchewan.....	1	
625	Alberta.....	1	
626	British Columbia.....	235,000	
627	Yukon and Northwest Territories.....	1	
628	Maintenance and Operation of Public Buildings and Grounds—Further amount required.....	400,000	
629	Furniture and Furnishings for Government Departments—Further amount required.....	130,000	
	HARBOURS AND RIVERS ENGINEERING SERVICES		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
630	Newfoundland.....	650,000	
631	Nova Scotia.....	325,000	
632	Prince Edward Island.....	196,600	
633	New Brunswick.....	100,000	
634	Quebec.....	585,000	
635	Ontario.....	1	
636	British Columbia.....	100,000	
637	Repairs and upkeep, including reconstruction and replacements for the maintenance of services—Further amount required.	100,000	
638	Dredging— Maintenance and Operation of Plant and Contract and Day Labour Works—Further amount required.....	125,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS—Concluded		
	HARBOURS AND RIVERS ENGINEERING SERVICES—Concluded		
	Dredging—Concluded		
639	Construction or Acquisition of Plant and Equipment— Further amount required.....	400,000	
640	Maintenance and Operation of Graving Docks, Locks and Dams—Further amount required.....	65,000	
	GENERAL		
641	Miscellaneous Works not otherwise provided for: a maximum of \$15,000 may be expended in respect of any one work and, with the approval of Treasury Board, that maximum may be increased to \$25,000—Further amount required.....	500,000	3,911,606
	ROYAL CANADIAN MOUNTED POLICE		
642	Marine Services— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....		25,000
	SECRETARY OF STATE		
643	Departmental Administration—Further amount required for a gift of Eskimo graphic art as Canada's contribution to the furnishing of the administrative headquarters of les Bureaux Internationaux Réunis pour la Protection de la Propriété Industrielle, Littéraire et Artistique.....		1,000
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
644	Trade Commissioner Service—Administration and Operation— Further amount required.....		153,000
	TRANSPORT		
	A—DEPARTMENT		
	CANAL SERVICES		
645	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council—Further amount re- quired.....	142,000	
	MARINE SERVICES		
646	Marine Service Steamers— Construction or Acquisition of Vessels and Equipment— Further amount required.....	654,500	
647	Aids to Navigation— Administration, Operation and Maintenance—Further amount required.....	40,000	
648	Pilotage Service— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	95,000	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT—<i>Concluded</i>		
	A—DEPARTMENT—<i>Concluded</i>		
	RAILWAY AND STEAMSHIP SERVICES		
649	Railway to Great Slave Lake—Location Survey.....	250,000	
	AIR SERVICES		
	Telecommunications Branch		
650	Radio Aids to Air and Marine Navigation— Administration, Operation and Maintenance—Further amount required.....	41,665	
651	Construction or Acquisition of Buildings, Works, Land and Equipment.....	349,210	
	Meteorological Branch		
652	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	82,250	
	Civil Aviation Branch		
653	Airports and Other Ground Services—Operation and Maintenance— Further amount required.....	318,236	
654	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	1,018,500	
	B—GENERAL		
	AIR TRANSPORT BOARD		
655	Subventions for Air Carriers, as detailed in the Estimates.....	125,000	3,116,361
	VETERANS AFFAIRS		
656	Treatment Services— Hospital Construction, Improvements, Equipment and Acquisition of Land—Further amount required.....		650,000
	LOANS, INVESTMENTS AND ADVANCES		
	VETERANS AFFAIRS		
	<i>Soldier Settlement and Veterans Land Act</i>		
657	Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the Veterans' Land Act—Further amount required.....		1,868,000
			56,092,918

9 ELIZABETH II.

CHAP. 4

An Act for the Establishment of a National Productivity Council.

[Assented to 20th December, 1960.]

WHEREAS in order to provide expanding opportunities for increased employment and trade and rising national standards of living, it is in the national interest to promote and expedite continuing improvement in productive efficiency in the various aspects of Canadian economic activity: Preamble.

THEREFORE Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *National Productivity Council Act*. Short title.

NATIONAL PRODUCTIVITY COUNCIL.

2. A corporation is hereby established to be known as the National Productivity Council, in this Act called the "Council", consisting of twenty-five members, including Establishment of Council.

- (a) five members who shall be chosen from the field of industry and commerce,
- (b) five members who shall be chosen from the field of organized labour,
- (c) five members who shall be chosen from the field of agriculture and other primary industries,
- (d) five members of the general public,
- (e) four members who are officers or employees of Her Majesty employed in departments or agencies of the government of Canada that are active in the technical aspects of productivity, and
- (f) one member who shall serve as Executive Director of the Council,

to be appointed by the Governor in Council as provided in sections 3 and 4.

Appointment
of Executive
Director.

3. (1) The Executive Director shall be appointed to hold office during pleasure.

Appointment
of other
members of
Council.

(2) Each of the other members of the Council shall be appointed to hold office for a term of three years, except that of those first appointed not more than eight shall be appointed for a term of one year, not more than eight shall be appointed for a term of two years and not more than eight shall be appointed for a term of three years.

Chairman
of Council.

(3) One member other than the Executive Director shall be appointed to be Chairman of the Council for such term, not exceeding three years, as is fixed by the Governor in Council.

Reappoint-
ment.

(4) A retiring Chairman or other member is eligible for reappointment to the Council in the same or another capacity.

Eligibility.

(5) A person in order to be eligible to be appointed as a member of the Council described in paragraph (a), (b), (c) or (e) of section 2 shall have knowledge of the field he is to represent and of productivity problems related to that field, or shall have knowledge of technical aspects of industrial productivity.

Recommend-
ations.

4. Where a vacancy exists in the membership of the Council, the Governor in Council may invite recommendations from representative organizations and associations as to suitable appointees.

Salary of
Executive
Director.

5. (1) The Executive Director shall be paid such salary and expenses out of moneys provided for the work of the Council as are fixed by the Governor in Council.

Remunera-
tion and
expenses.

(2) Members of the Council other than the Executive Director shall serve without remuneration but are entitled to be paid out of the Consolidated Revenue Fund reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties.

Honorarium
to Chairman.

(3) Notwithstanding subsection (2), the Chairman of the Council may be paid out of the Consolidated Revenue Fund such honorarium not exceeding three thousand dollars a year as may be approved by the Governor in Council.

Quorum.

6. Thirteen members constitute a quorum of the Council.

Vacancy

7. A vacancy in the membership of the Council does not impair the right of the remainder to act.

Absence of
Chairman.

8. In the event of the absence or incapacity of the Chairman, or if the office of the Chairman is vacant, the Executive Director shall act as Chairman.

9. The Council shall meet at least three times a year in the City of Ottawa on such days as are fixed by the Council and at such other times and places as the Council deems necessary. Meetings

OBJECTS AND POWERS OF THE COUNCIL.

10. The objects of the Council are to promote and expedite continuing improvement in productive efficiency in the various aspects of Canadian economic activity, and, without limiting the generality of the foregoing, the Council may, in furtherance of its objects, Objects and powers

(a) foster and promote

- (i) the development of improved production and distribution methods,
 - (ii) the development of improved management techniques,
 - (iii) the maintenance of good human relations in industry,
 - (iv) the use of training programmes at all levels of industry,
 - (v) the use of retraining programmes to meet changing manpower requirements,
 - (vi) the extension of industrial research programmes in plants and in industries as a means of achieving greater productivity, and
 - (vii) the dissemination of technical information; and
- (b) organize, assist and enlist the aid of committees, teams and other groups in the implementation on a national, regional or industry basis of programmes designed to give effect to any of the objects described in paragraph (a).

11. In addition to the general powers conferred upon or vested in the Council by this Act the Council may, Powers.

- (a) subject to the approval of the Governor in Council, make by-laws regulating its proceedings and generally for the conduct of its activities, including the establishment of regional offices;
- (b) acquire by purchase, lease, gift, donation, bequest or otherwise any real or personal property, including securities, and own, hold, sell, manage or deal therewith or therein as the Council may determine; and
- (c) expend any moneys appropriated by Parliament for the work of the Council or received by the Council through the conduct of its operations or by gift, donation, bequest or otherwise.

ORGANIZATION.

Administra-
tion.

12. (1) The Executive Director has charge of all matters relating to the administration of the affairs of the Council and has supervision over and direction of the work of the staff of the Council.

Staff
appointments.

(2) Subject to the approval of the Council, the Executive Director may

- (a) appoint such officers and employees as are necessary for the proper conduct of the work of the Council; and
- (b) prescribe the duties of such officers and employees and, subject to the approval of the Treasury Board, prescribe the conditions of their employment.

Staff
salaries.

(3) The officers and employees of the Council appointed as provided in subsection (2) shall be paid such salaries and expenses out of the moneys provided for the work of the Council as are fixed by the Council with the approval of the Treasury Board.

Pension
fund.

13. The Executive Director and the staff of the Council shall be deemed to be employed in the Public Service for the purposes of the *Public Service Superannuation Act*, and the Council shall be deemed to be a Public Service corporation for purposes of section 23 of that Act.

Not agent
of Her
Majesty.

14. The Council is not an agent of Her Majesty, and, except as provided in section 13, the members and staff of the Council are not part of the public service.

FINANCIAL PROVISIONS.

Appro-
priations

15. The Minister of Finance shall, out of the Consolidated Revenue Fund, pay to the Council

- (a) for each of the first three years after the coming into force of this Act, the sum of one hundred and fifty thousand dollars, and
- (b) thereafter, such amounts as may be appropriated by Parliament for the purpose.

Appropriation equal to
donations.

16. Where the Council, during the first three years after the coming into force of this Act, acquires by gift, donation or bequest, any money, securities or other property from a person other than Her Majesty, the Minister of Finance shall, out of the Consolidated Revenue Fund, pay to the Council in addition to the amount paid to the Council under section 15 for any such year, an amount for that year equal to the total value of the property so acquired by the Council during that year.

17. The Council shall be deemed to be a charitable organization in Canada,

Council
charitable
organization.

(a) as described in paragraph (e) of subsection (1) of section 62 of the *Income Tax Act*, for the purposes of that Act, and

(b) as described in subparagraph (i) of paragraph (d) of subsection (1) of section 7 of the *Estate Tax Act*, for the purposes of that Act.

AUDIT.

18. The accounts and financial transactions of the Council shall be audited annually by the Auditor General, and a report of the audit shall be made to the Council and the Ministers of Trade and Commerce and of Labour.

Audit.

REPORT TO PARLIAMENT.

19. The Chairman of the Council shall, within three months after the termination of each fiscal year, submit to the Ministers of Trade and Commerce and of Labour a report of all proceedings under this Act for that fiscal year, including the financial statements of the Council, and the Auditor General's report thereon, and the Minister of Trade and Commerce shall cause such reports to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Report to
Parliament.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 ELIZABETH II.

CHAP. 5

An Act respecting Loans to Proprietors of Small Business Enterprises for the Improvement and Modernization of Equipment and Premises.

[Assented to 20th December, 1960.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as the *Small Businesses Loans Act*. Short title.

INTERPRETATION.

2. In this Act

- | | |
|--|--|
| <p>(a) "bank" means a bank to which the <i>Bank Act</i> applies;</p> <p>(b) "borrower" means a person to whom a business improvement loan has been made;</p> <p>(c) "business enterprise" means an enterprise carried on in Canada for gain or profit where the principal business carried on therein comes within any of the following classes of businesses, namely:</p> <ul style="list-style-type: none">(i) manufacturing,(ii) wholesale trade,(iii) retail trade, or(iv) service businesses, <p>but does not include the business of a profession recognized as such by a law of Canada or a province or a business having as its object the furtherance of a charitable or religious purpose;</p> <p>(d) "business improvement loan" means a loan made by a bank to a proprietor of a small business enterprise for the purpose of financing</p> | <p>Definitions</p> <p>"Bank."</p> <p>"Borrower."</p> <p>"Business enterprise."</p> <p>"Business improvement loan."</p> |
|--|--|

- (i) the purchase, installation, renovation, improvement or modernization of equipment of a kind usually affixed to real or immovable property,
- (ii) the purchase, renovation, improvement or modernization of equipment of a kind not usually affixed to real or immovable property, or
- (iii) the renovation, improvement or modernization of premises or the alteration or extension of premises;

“Class of business improvement loans.”

(e) “class of business improvement loans” means a prescribed class thereof;

“Equipment.”

(f) “equipment” means equipment used or to be used in the course of carrying on the business enterprise in respect of which the expression is being applied, but does not include stock-in-trade or goods described in the inventory of the enterprise;

“Guaranteed business improvement loan.”

(g) “guaranteed business improvement loan” means a business improvement loan made in accordance with the requirements of section 3;

“Gross revenue.”

(h) “gross revenue”, as applied to a fiscal period of a business enterprise, means the aggregate of all amounts received in the period or receivable in the period (depending on the method regularly followed in computing the profit from the enterprise) otherwise than as or on account of capital;

“Minister.”

(i) “Minister” means the Minister of Finance;

“Premises.”

(j) “premises” means premises used or to be used in the course of carrying on the business enterprise in respect of which the expression is being applied, but does not include land;

“Prescribed.”

(k) “prescribed” means prescribed by the regulations:

“Proprietor.”

(l) “proprietor”, in relation to a business enterprise, means the person by whom the enterprise is carried on, whether as sole proprietor or in association or partnership with any other person having a proprietary interest therein, but does not include Her Majesty or an agent of Her Majesty in right of Canada or a province, a municipality or a municipal or other public body performing a function of government; and

“Small business enterprise.”

(m) “small business enterprise” means a business enterprise the estimated gross revenue of which as stated in an application for a business improvement loan did not, for the fiscal period of the business enterprise in which the application was made, exceed \$250,000.

BUSINESS IMPROVEMENT LOANS.

3. (1) Subject to this Act, the Minister is liable to pay to a bank the amount of any loss sustained by it as a result of a business improvement loan made after the coming into force of this Act, if

Minister's
liability
to bank.

- (a) the loan was made pursuant to an application in prescribed form, signed by the borrower, stating the purpose for which the proceeds of the loan were to be expended;
- (b) the application stated that
 - (i) the borrower was the proprietor of the business enterprise in respect of which the loan was to be expended, and
 - (ii) the estimated gross revenue of the business enterprise in respect of which the loan was to be expended did not, for the fiscal period of the business enterprise in which the application was made, exceed \$250,000;
- (c) a responsible officer of the bank certified that he had scrutinized and checked the application for the loan and the statements contained therein with the care required of him by the bank in the conduct of its ordinary business;
- (d) the principal amount of the loan did not at the time of its making, together with the amount owing in respect of other guaranteed business improvement loans previously made to the borrower and disclosed in his application or of which the bank had knowledge, exceed \$25,000;
- (e) the loan was repayable in full by the terms thereof within the period prescribed for that loan, and in any event in not more than ten years;
- (f) no fee, service charge or charge of any kind other than interest, except such charge for insurance as may be authorized by the regulations, was by the terms of the loan payable in respect of the loan as long as the borrower was not in default;
- (g) the repayment of the loan was secured in the prescribed manner;
- (h) the loan was not made for a purpose deemed for the purposes of this Act to be contrary to the public interest; and
- (i) the loan came within a prescribed class of business improvement loans and was made on such terms and in accordance with such conditions, in addition to those specified in paragraphs (a) to (h), as were prescribed for loans of that class.

Time after which Minister not liable.

(2) The Minister is not liable under this Act to make any payment to a bank in respect of a guaranteed business improvement loan made after the 31st day of December, 1963.

Termination of operation of section 3.

4. The Minister may, with the approval of the Governor in Council, by notice to a bank terminate the operation of section 3 in respect of any class of business improvement loans, such termination to be effective after a time set out in the notice but not earlier than twenty-four hours after receipt of the notice at the head office of the bank, and the Minister is not liable under this Act to make any payment to the bank in respect of any such loans made after that time; but the termination of the operation of section 3 in respect of any class of such loans does not relieve the Minister of any liability imposed on him under this Act in respect of a business improvement loan of that class made by the bank before the time of the termination.

Limitation of liability in respect of loans made during loan period.

5. (1) The Minister is not liable under this Act to pay to a bank, in respect of any losses sustained by it as a result of business improvement loans made by it during the period specified in subsection (2), an amount in excess of ten per cent of the aggregate principal amount of the guaranteed business improvement loans made by the bank during that period.

Loan period defined.

(2) The period referred to in subsection (1) is the period commencing on the coming into force of this Act and ending on the 31st day of December, 1963.

Further limitation of liability.

6. The Minister is not liable under this Act to make any payment to a bank in respect of any loss sustained by it as a result of a business improvement loan made during the period referred to in subsection (2) of section 5, after the aggregate principal amount of the guaranteed business improvement loans made by all banks during that period exceeds \$300,000,000.

REGULATIONS.

Regulations.

7. The Governor in Council may make regulations
- (a) prescribing the forms of applications, claims, reports or other documents required in connection with guaranteed business improvement loans or for the effective operation of this Act;
 - (b) defining for the purposes of this Act the following expressions:
 - (i) "responsible officer of the bank",
 - (ii) "manufacturing",

- (iii) "wholesale trade",
- (iv) "retail trade", and
- (v) "service businesses";
- (c) determining for the purposes of this Act the fiscal period of a business enterprise in any case where the fiscal period thereof otherwise determined is less than 365 days;
- (d) prescribing classes of guaranteed business improvement loans, having regard to the purposes for which such loans are to be made, or otherwise;
- (e) prescribing, in respect of any class of business improvement loans,
 - (i) the nature of the proprietary or other interest in a business enterprise or in the equipment or premises used in connection therewith, to be held by a borrower of a loan within the class,
 - (ii) the security to be taken by the bank for the repayment of loans within the class,
 - (iii) the terms of repayment and other terms not inconsistent with this Act, including provisions in respect of insurance, upon which loans within the class are to be made, and
 - (iv) the conditions of the liability of the Minister under this Act in respect of loans within the class, in addition to but not inconsistent with the conditions specified in paragraphs (a) to (h) of subsection (1) of section 3;
- (f) providing that in the event of an actual or impending default in the repayment of a guaranteed business improvement loan, the bank by which the loan was made may, notwithstanding anything in this Act, alter or revise with the approval of the borrower, by way of an extension of time or otherwise, any of the terms of the loan or any agreement in connection therewith, and that the alteration or revision shall not discharge the liability of the Minister in respect thereof under this Act;
- (g) prescribing in the event of default in the repayment of a guaranteed business improvement loan, the measures to be taken by the bank and the procedures to be followed for the collection of the amount of the loan outstanding and the disposal or realization of any security for the repayment thereof held by the bank;
- (h) prescribing the method of determining the amount of any loss sustained by any bank as a result of a guaranteed business improvement loan and the procedure to be followed by a bank in making a claim for any loss sustained by it as a result of a guaranteed business improvement loan;

- (i) prescribing the steps to be taken by a bank to effect on behalf of the Minister collection of any guaranteed business improvement loan in respect of which payment has been made by the Minister to the bank under this Act, and providing that in the event of failure by the bank to take such steps the amount of such payment may be recovered by the Minister;
- (j) respecting the subrogation of Her Majesty to the rights of a bank with respect to a guaranteed business improvement loan;
- (k) requiring reports to be made periodically to the Minister by a bank in respect of guaranteed business improvement loans made by it;
- (l) prescribing the purposes for which business improvement loans may be made that shall be deemed, for the purposes of this Act, to be contrary to the public interest; and
- (m) generally, for carrying into effect the purposes and provisions of this Act.

SPECIAL POWERS OF BANK.

Bank
security.

8. (1) Notwithstanding anything in the *Bank Act* or any other Act, a bank may, at the time of making a guaranteed business improvement loan, take as security for the repayment thereof and for the payment of interest thereon,

- (a) a mortgage or hypothec upon real or personal, immovable or movable property, whether or not all or any part of the proceeds of the loan are to be expended in respect thereof, or
- (b) an assignment of the rights and interests of a purchaser under
 - (i) an agreement for sale of real or personal, immovable or movable property, or
 - (ii) a lien or conditional sales agreement for personal or movable property,
 whether or not all or any part of the proceeds of the loan are to be expended in respect thereof.

Rights in
respect of
security.

(2) A bank has and may exercise, in respect of any mortgage, hypothec or assignment made under subsection (1) and the real or personal, immovable or movable property affected thereby, all rights and powers that it would have or might exercise if the mortgage, hypothec or assignment had been taken by the bank by way of subsequent security under the *Bank Act*.

OFFENCES.

9. (1) Every person who, in respect of a guaranteed business improvement loan, Offences and punishment.

(a) knowingly makes any false statement or misrepresentation in an application or other document or wilfully furnishes any false or misleading information, or

(b) being a borrower, uses the proceeds of the loan for a purpose other than that stated in his application for the loan,

is guilty of an offence under this Act and liable on summary conviction to a fine not exceeding \$1,000.

(2) A prosecution for an offence under this Act may be instituted at any time within three years from the time when the subject matter of the complaint arose. Institution of prosecution.

GENERAL.

10. Any amount payable by the Minister to a bank under this Act may be paid by the Minister out of the Consolidated Revenue Fund. Payment out of C.R.F.

11. The Minister shall each year prepare a report with respect to the administration of this Act during the immediately preceding year, and shall lay the report before Parliament within fifteen days after it is made or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. Annual report.

12. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into force.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 ELIZABETH II.

CHAP. 6

An Act respecting Technical and Vocational Training Assistance.

[Assented to 20th December, 1960.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Technical and Vocational Training Assistance Act*. Short title.

INTERPRETATION.

2. In this Act,

Definitions.

- (a) "Council" means the National Technical and Vocational Training Advisory Council established by this Act; "Council."
- (b) "member" means a member of the Council; "Member."
- (c) "Minister" means the Minister of Labour; "Minister."
- (d) "technical and vocational training" means any form of instruction, the purpose of which is to prepare a person for gainful employment in any primary or secondary industry or in any service occupation or to increase his skill or proficiency therein, and, without restricting the generality of the foregoing, includes instruction for that purpose in relation to any of the following industries or occupations:
- (i) agriculture,
 - (ii) fishing,
 - (iii) forestry,
 - (iv) mining,
 - (v) commerce,
 - (vi) construction,
 - (vii) manufacturing,
- "Technical and vocational training."

- (viii) transportation or communications, or
 (ix) generally, any primary or secondary industry or service occupation requiring an understanding of the principles of science or technology and the application thereof, except where such instruction is designed for university credit; and
- “Training facilities.”
 (e) “training facilities” means buildings and physical plant, machinery and equipment used for technical and vocational training.

AGREEMENTS AUTHORIZED.

Agreement authorized.

3. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province, for a period not exceeding six years, to provide for the payment by Canada to the province of contributions in respect of the costs incurred by the province in undertaking a program of technical and vocational training in the province

- (a) for unemployed persons;
 (b) for the training of persons in technical or vocational courses given in regular secondary schools in the province where such training is given as a part of the regular secondary school program;
 (c) for the training of persons as teachers, supervisors or administrators to carry out technical or vocational training programs;
 (d) for persons over the regular school leaving age, who have left school and who require training to develop or increase occupational skill;
 (e) for apprentices;
 (f) for supervisors in industries;
 (g) for the training of persons in the skills of science or technology and the application thereof, except where such training is designed for university credit;
 (h) for disabled persons; and
 (i) for the training of persons in the type of program described in section 8.

Contributions payable.

(2) The contributions payable by Canada to a province under an agreement made pursuant to this section shall be the aggregate of the following costs incurred by the province in providing a technical and vocational training program in the province pursuant to the agreement:

- (a) in respect of the costs attributable to the provision by the province of a technical and vocational training program for unemployed persons, seventy-five per cent thereof, or such lesser percentage thereof as may be specified in the agreement;

- (b) in respect of the costs attributable to the provision by the province
 - (i) of a technical and vocational training program of the type described in paragraphs (c) to (h) of subsection (1), fifty per cent thereof, and
 - (ii) of a technical and vocational training program of the type described in paragraph (i), of subsection (1), one hundred per cent thereof, or such lesser percentage thereof as may be specified in the agreement; and
- (c) in respect of the costs for a year attributable to the provision by the province of a technical and vocational training program of the type described in paragraph (b) of subsection (1), an amount equal to the aggregate of
 - (i) such amount as is specified in the agreement to be payable to the province for the year in respect of the provision by the province of such program, and
 - (ii) such additional amount, calculated on the basis of the youth population of the province for the year, as is determined in the manner specified in the agreement,
 not exceeding, however, fifty per cent of the costs for the year attributable to the provision by the province of such program.

(3) In this section,

Definitions.

(a) "costs" incurred by a province means the costs incurred by the province determined as prescribed in the agreement made under this section between the Minister and the province, but does not include any capital expenditure incurred by the province on training facilities; and

"Costs."

(b) "regular school leaving age" and "regular secondary school program" in respect of a province have the meaning given to them in the agreement made under this section between the Minister and the province.

"Regular school leaving age" and "Regular secondary school program."

(4) For the purposes of this section,

Costs to include student assistance

(a) the costs attributable to the provision by a province of a technical and vocational training program of a type described in paragraphs (c) and (g) of subsection (1) shall be deemed to include any amount expended by the province as financial assistance to any person being trained under such a program, where such expenditure is

(i) for the purpose of enabling the person to participate in such a program, and

(ii) in accordance with the terms and provisions of the agreement made under this section between the Minister and the province; and

Youth population determined.

(b) the youth population of a province for a particular year shall be deemed to be the number of persons in the age group of fifteen to nineteen years of age inclusive, of the province, as ascertained by the most recent census of Canada preceding the particular year and certified by the Dominion Statistician.

Agreement authorized for training facilities.

4. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province for a period not exceeding six years to provide for the payment by Canada to the province of contributions in respect of the capital expenditure incurred by the province on training facilities.

Amount of contributions.

(2) The contributions payable by Canada to a province under an agreement pursuant to this section shall be the aggregate of

- (a) fifty per cent of the capital expenditure incurred by the province on training facilities;
- (b) twenty-five per cent of the capital expenditure incurred by the province on training facilities before the first day of April, 1963; and
- (c) twenty-five per cent of the capital expenditure incurred by the province after the 31st day of March, 1963 for the alteration or repair of premises and the purchase of machinery and equipment, under circumstances specified in the agreement, where such alterations, repairs and purchases are for the purpose of providing a technical and vocational training program for unemployed persons.

"Capital expenditure" defined.

(3) In this Act, the expression "capital expenditure" incurred by a province on training facilities means the capital expenditure incurred by the province on such facilities determined as prescribed in the agreement made under this section between the Minister and the province.

Agreement authorized for continuation of projects.

5. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province, for a period not exceeding six years, to provide financial assistance for the continuation after the coming into force of this Act, of any project for training originated in the province under *The Youth Training Act, 1939* and continued in effect in the province under the *Vocational Training Co-ordination Act*.

Percentage of cost.

(2) No agreement made under subsection (1) shall provide for the payment to a province of a percentage of the cost of the project referred to in subsection (1) in excess of the percentage of such cost contributed by the province.

6. Any agreement made or deemed to have been made under this Act may be amended Amendments.

- (a) with respect to the provisions in the agreement in respect of which a method of amendment is set out in the agreement, by that method; or
- (b) with respect to any other provisions of the agreement, by the mutual consent of the parties thereto with the approval of the Governor in Council.

FEDERAL RESEARCH AND PROGRAMS.

7. (1) The Minister may undertake and direct research in respect of technical and vocational training and, without restricting the generality of the foregoing, may undertake and direct research in respect of any of the following matters: Federal research program.

- (a) trade analysis courses content;
- (b) training aids, examinations and standards;
- (c) the changing needs of the economy for trained workers;
- (d) the relationship between technical and vocational training and the needs of the economy; or
- (e) any studies that, in the opinion of the Minister, would assist in improving technical and vocational training in Canada.

(2) The Minister may, where he deems it appropriate, undertake and direct any research referred to in subsection (1) in co-operation with any province or all provinces. Co-operation with province.

(3) The Minister may collect, compile, analyse, abstract and publish information relating to any research undertaken and directed by him pursuant to this section. Publication of research.

8. The Minister may undertake programs to provide technical and vocational training Federal technical and vocational training programs.

- (a) for any person serving in the naval, army or air forces of Canada and for any person who formerly served in such forces and who has been approved for such training by the Minister of Veterans Affairs; and
- (b) for any person, at the request of a department or agency of the Government of Canada, for employment in such department or agency or for employment related to any activity carried on by such department or agency.

COUNCIL ESTABLISHED.

9. (1) There shall be a Council, to be called the National Technical and Vocational Training Advisory Council, consisting of twenty-three members, to be appointed by the Governor in Council. Council established.

- Tenure.** (2) Each member of the Council shall be appointed to hold office during pleasure for such term not exceeding three years as may be determined by the Governor in Council.
- Alternate members.** (3) The Governor in Council may, in respect of each member, appoint a person to act as an alternate who, at the request and in the absence of the member for whom he is appointed as an alternate, shall act instead of the member and when so acting shall be deemed to be a member.
- Chairman.** (4) The Governor in Council shall designate one of the members to be Chairman.
- Composition of Council.** (5) There shall be an equal number of members of the Council specially representative of employers and of employees, and the remainder of the members may be representative of such other groups of persons or interests as the Governor in Council may determine.
- Quorum.** (6) A majority of the members constitute a quorum of the Council, and a vacancy in the membership of the Council does not impair the right of the remaining members to act.
- Procedure.** (7) The Council may make rules for regulating its proceedings and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committees of its members.
- Staff.** (8) The Minister may provide the Council with such professional, technical, secretarial and other assistance as the Council may require, but the provision of such assistance otherwise than from the public service of Canada is subject to approval by Treasury Board.
- Information to be made available.** (9) The Minister shall make available to the Council such information as the Council reasonably requires for the proper discharge of its functions.
- Travelling expenses and per diem allowance.** (10) Members shall serve without remuneration but each member is entitled to be paid his actual travelling expenses incurred with the approval of the Minister in connection with the work of the Council, and may, with the approval of the Minister, be paid a per diem allowance fixed by the Governor in Council for each day he is necessarily absent from his home in connection with such work.
- Reference to Council.** 10. (1) The Minister may refer to the Council for its consideration and advice such questions relating to the operation of this Act as he thinks fit.
- Council to investigate and report.** (2) The Council shall investigate and report on all matters referred to it pursuant to subsection (1) and shall make such recommendations to the Minister in respect thereof as it deems appropriate.

GENERAL.

11. Such officers, clerks and other employees as are necessary for the administration of this Act shall be appointed under the provisions of the *Civil Service Act*. Officers,
clerks and
employees.

12. The Governor in Council may, on the recommendation of the Minister, make regulations for carrying the purposes and provisions of this Act into effect. Regulations.

REPORT TO PARLIAMENT.

13. The Minister shall, within three months after the termination of each fiscal year, prepare an annual report on the work done, moneys expended and obligations contracted under this Act and cause the report to be laid before Parliament if Parliament is then sitting or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. Report to
Parliament.

TRANSITIONAL.

14. Any agreement made between the Minister and a province under the *Vocational Training Co-ordination Act* and in force at the coming into force of this Act shall be deemed to have been made under this Act and shall continue in full force and effect according to the terms and conditions of such agreement. Agreements
continued
in force.

REPEAL.

15. The *Vocational Training Co-ordination Act* is repealed. Repeal.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 7

An Act respecting the Construction of a line of railway in the Province of Quebec by Canadian National Railway Company from a point at or near mile 72 of the Kiask Falls Subdivision in a northwesterly direction to a point in the vicinity of Mattagami Lake.

[Assented to 9th March, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The Governor in Council may provide for the construction and completion by Canadian National Railway Company (in this Act called “the Company”) prior to the 31st day of December, 1962, or such later date as the Governor in Council may fix, of the line of railway (in this Act called the “railway line”) described in the Schedule.

Construction and completion.

2. The Company shall adopt the principle of competitive bids or tenders in respect of the construction of the railway line in so far as the Company decides not to perform such work or any part thereof with its own forces, but the Company is not bound to accept the lowest or any bid or tender made or obtained nor precluded from negotiating for better prices or terms.

Competitive bids or tenders.

3. Estimates of the mileage of the railway line, the amount to be expended on the construction thereof and the average expenditure per mile are set out in the Schedule, and, except with the approval of the Governor in Council, the Company shall not in performing the work of construction and completion exceed such estimates by more than fifteen per cent.

Maximum expenditure.

4. Subject to the provisions of this Act and the approval of the Governor in Council, the Company may, in respect of the cost of the construction and completion of the

Issue of securities.

railway line, or to provide amounts required for the repayment of loans made under section 5, issue notes, obligations, bonds, debentures or other securities (in this Act called "securities"), not exceeding in the aggregate, exclusive of any securities issued to secure loans made under section 5, the sum of nine million six hundred and sixty thousand dollars, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve.

Temporary
loans.

5. To enable the work of construction and completion of the railway line to proceed forthwith, the Minister of Finance, upon application made to him by the Company and approved by the Minister of Transport, may, with the approval of the Governor in Council, make temporary loans to the Company out of the Consolidated Revenue Fund, not exceeding nine million six hundred and sixty thousand dollars, repayable on such terms and at such rates of interest as the Governor in Council may determine and secured by securities that the Company is authorized to issue under section 4.

Guarantee.

6. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities that the Company may issue under the provisions of this Act.

Form and
terms.

(2) The guarantee may be in such form and subject to such terms and conditions as the Governor in Council may determine to be appropriate and applicable thereto and may be signed on behalf of Her Majesty by the Minister of Finance or such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes of the validity of the guarantee and that the provisions of this Act have been complied with.

Guarantees
may be
general or
separate.

(3) Any guarantee under this Act may be either a general guarantee covering the total amount of the issue or a separate guarantee endorsed on each of the securities.

Temporary
guarantees.

(4) With the approval of the Governor in Council, temporary guarantees may be made to be subsequently replaced by permanent guarantees.

Deposit of
proceeds of
sale, etc., of
securities.

7. (1) The proceeds of any sale, pledge, or other disposition of any guaranteed securities shall in the first instance be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance in trust for the Company, in one or more banks designated by him.

Release of
deposits.

(2) The Board of Directors of the Company may authorize application to be made to the Minister of Transport for the release of any part of the proceeds deposited pursuant to subsection (1) to the Company for the purpose of meeting

expenditures in respect of the construction of the railway line, and the Minister of Transport may approve the applications, and upon the request of the Minister of Transport, the Minister of Finance may pay the amount or amounts of such applications or part thereof accordingly.

S. The Minister of Transport shall present to Parliament during the first thirty days of each session held prior to the date of completion fixed by or under section 1, a statement showing in detail the nature and extent of the work done under the authority of this Act during the previous calendar year, and the expenditure thereon, and the estimated expenditure for the current calendar year, together with the amount of any advances made under section 5 and the amount of such advances reimbursed, and such further information as the Minister of Transport may direct.

Report to
Parliament.

SCHEDULE.

Location	Estimates		
	Mileage	Cost of Construction	Average cost per mile
From a point on the Barraute-Chibougamau line of Canadian National Railway Company at or near mile 72 of the Kiask Falls Subdivision in a northwesterly direction to the property of Mattagami Lake Mines Limited in the northwesterly quarter of Galinée Township, Abitibi District, both in the Province of Quebec.....	60	\$8,400,000	\$140,000

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 8

An Act to repeal certain Laws relating to the Signal Station at Halifax.

[Assented to 9th March, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The following enactments, namely:

Repeal.

- (a) *An Act relating to the Signal Station at Halifax*, being chapter 64 of the Statutes of Nova Scotia, 1859;
- (b) *An Act to amend the Act relating to the Signal Station at Halifax*, being chapter 42 of the Statutes of Nova Scotia, 1861; and
- (c) *An Act respecting Signal Dues at Halifax*, being chapter 66 of the Statutes of Canada, 1908;

are repealed.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 9

An Act to amend the Indian Act.

[Assented to 9th March, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S. c. 149;
1952-53, c. 41;
1956, c. 40;
1958, c. 19;
1960, c. 8.

1. Section 112 of the *Indian Act* is repealed and the following substituted therefor:

"112. (1) Where a band has applied for enfranchisement within the meaning of this Act and has submitted a plan for the disposal or division of the funds of the band and the lands in the reserve, the Minister may appoint a committee to inquire into and report upon any or all of the following matters, namely:

Committee
of inquiry.

- (a) the desirability of enfranchising the band;
- (b) the adequacy of the plan submitted by it; and
- (c) any other matter relating to the application for enfranchisement or to the disposition thereof.

(2) A committee appointed under subsection (1) shall consist of

Composition.

- (a) a judge or retired judge of a superior, surrogate, district or county court,
- (b) an officer of the Department, and
- (c) a member of the band to be designated by the council of the band."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 10

An Act to amend the Pension Act.

[Assented to 9th March, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., cc. 207,
332;
1953-54, c. 62;
1957, c. 14;
1957-58, c. 19.

1. Schedules A and B of the *Pension Act* are repealed and the following substituted therefor:

1957-58, c. 19,
s. 25.

"SCHEDULE A.

SCALE OF PENSIONS FOR DISABILITIES.

Percentage of Disability—Class and Annual Rate of Pension.

Rank or Rating of Member of Forces	Class Range Percentage	1 98-99 100	2 93-97 95	3 88-92 90	4 83-87 85	5 78-82 80	6 73-77 75	7 68-72 70	8 63-67 65	9 58-62 60	10 53-57 55
		\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Captain (Naval), Colonel (Army), Group Captain (Air), and all ranks and ratings below.....		2,160 00	2,052 00	1,944 00	1,836 00	1,728 00	1,620 00	1,512 00	1,404 00	1,296 00	1,188 00
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air).....		2,700 00	2,565 00	2,430 00	2,295 00	2,160 00	2,025 00	1,890 00	1,755 00	1,620 00	1,485 00
Above ranks—Additional pension for married member of the forces.....		720 00	684 00	648 00	612 00	576 00	540 00	504 00	468 00	432 00	396 00
Additional pension for children for above ranks—											
One child.....		324 00	307 80	291 60	275 40	259 20	243 00	226 80	210 60	194 40	178 20
Two children.....		564 00	535 80	507 60	479 40	451 20	423 00	394 80	366 60	338 40	310 20
Each additional child an additional.....		192 00	182 40	172 80	163 20	153 60	144 00	134 40	124 80	115 20	105 60

SCHEDULE A—Concluded

Rank or Rating of Member of Forces	Class Range Percentage	11 48-52 50	12 43-47 45	13 38-42 40	14 33-37 35	15 28-32 30	16 23-27 25	17 18-22 20	18 13-17 15	19 8-12 10	20 5-7 5
		\$	cts.	\$	cts.	\$	cts.	\$	cts.	\$	cts.
Captain (Naval), Colonel (Army), Group Captain (Air), and all ranks and ratings below.....		1,080 00	972 00	864 00	756 00	648 00	540 00	432 00	324 00	216 00	108 00
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air).....		1,350 00	1,215 00	1,080 00	945 00	810 00	675 00	540 00	405 00	270 00	135 00
Above ranks—Additional pension for married member of the forces.....		360 00	324 00	288 00	252 00	216 00	180 00	144 00	108 00	72 00	36 00
Additional pension for children for above ranks—											
One child.....		162 00	145 80	129 60	113 40	97 20	81 00	64 80	48 60	32 40	16 20
Two children.....		282 00	253 80	225 60	197 40	169 20	141 00	112 80	84 60	56 40	28 20
Each additional child an additional.....		96 00	86 40	76 80	67 20	57 60	48 00	38 40	28 80	19 20	9 60

Class 21—Disabilities below 5 per cent—All ranks—A final payment not exceeding \$240.

SCHEDULE B.
SCALE OF PENSIONS FOR DEATH.

Rank or Rating of Member of Forces	Rate per annum			
	Widow	Dependent parent	Child or dependent brother or sister	Orphan child or orphan brother or sister
	\$ cts.	\$ cts.	\$ cts.	\$ cts.
Commander (Naval), Lieutenant - Colonel (Army), Wing Commander (Air), and all ranks and ratings below.....	1,656 00	*1,296 00		
Captain (Naval), Colonel (Army), Group Captain (Air).....	1,656 00	*1,512 00		
Commodore and higher ranks (Naval), Brigadier, Brigadier-General and higher ranks (Army), Air Commodore and higher ranks (Air).....	2,160 00	*2,160 00		
Pension for children or dependent brothers or sisters for above ranks—				
One child.....			*324 00	*648 00
Two children.....			*564 00	*1,128 00
Each additional child an additional.....			*192 00	*384 00

* Pensions awarded to parents or brothers and sisters may be less than these amounts in accordance with the provisions of this Act."

2. (1) Paragraphs (c) and (d) of subsection (1a) of section 24 of the said act are repealed and the following substituted therefor: 1957-58, c. 19, s. 8(1).

“(c) in the case of a widow or divorced wife entitled to a pension, or a woman awarded a pension under subsection (4) of section 36, and where no pension is payable for a child, on the day following her death;

(d) in the case of a widow or divorced wife entitled to a pension, or a woman awarded a pension under subsection (4) of section 36, and where pension is payable for a child, on the first day of the month following that in which her death occurred; and”

(2) Subsection (9) of section 24 of the said Act is repealed and the following substituted therefor:

“(9) If any person who is or has been in receipt of war veterans allowance, relief or unemployment assistance from the Department is or has been awarded a retroactive pension or a retroactive increase of pension, the difference between the amount actually paid by the Department and the amount that would have been paid if the retroactive pension or the retroactive increase of pension had been payable when such war veterans allowance was being paid or such relief or unemployment assistance was issued shall be a first charge upon the accumulated unpaid instalments of such pension and shall be withheld accordingly.” Where allowance assistance or relief in payment.

3. (1) All that portion of subsection (1) of section 26 of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:

“**26.** (1) No pension shall be paid to or in respect of a child after the last day of the month in which the child, if a boy, attained the age of sixteen years or, if a girl, attained the age of seventeen years, except” No pension to children over age limit.

(2) Subsections (9), (10) and (10a) of section 26 of the said Act are repealed and the following substituted therefor: 1953-54, c. 62, s. 5(3).

“(9) On and after the death of the wife of a pensioner pensioned on account of disability, or the dissolution of her marriage, the additional pension for a married member of the forces may, in the discretion of the Commission, be continued to him for so long as there is a minor child or there are minor children in respect of whom additional pension is being paid, if there exists a daughter or other person competent to assume and who does assume the household duties and care of the said child or children. Pension of minor children continued on death of wife.

1953-54, c. 62,
s. 5(4).
On death
of widow.

(10) On and after the death of a widow of a member of the forces who has been in receipt of a pension, the pension for the widow may, in the discretion of the Commission, be continued for so long as there is a minor child or there are minor children to or in respect of whom a pension is being paid, to a daughter or other person competent to assume and who does assume the household duties and care of the other child or children; in such cases the pension payable for children shall continue.

1957-58, c. 19,
s. 9(2).
Pension on
death of
widower.

(10a) Where any pension has been awarded to a minor child or minor children of a member of the forces who, at the time of his death, was a widower and who, during his lifetime, maintained a domestic establishment for such child or children, pension at a rate not exceeding that provided in Schedule B for a widow may, in the discretion of the Commission, be paid to a daughter or other person competent to assume and who does assume the household duties and care of such child or children, until such time as pension has been discontinued with respect to all of the minor children; in such cases the pension payable for children shall continue."

1957-58, c. 19,
s. 10.

4. Subsection (2) of section 30 of the said Act is repealed and the following substituted therefor:

Wear and
tear of
clothing on
account of
amputation.

"(2) A member of the forces in receipt of pension on account of an amputation of the leg at or above a Symes' amputation is entitled to an allowance on account of wear and tear of clothing of ninety-six dollars per annum; and a member of the forces in receipt of pension on account of an amputation at or above the wrist is entitled to an allowance on account of wear and tear of clothing of forty-two dollars per annum."

5. Section 34 of the said Act is amended by adding thereto the following subsections:

Veteran
deemed to
be married.

"(5) For the purposes of this Act, a veteran who

(a) is residing with a woman with whom he is prohibited from celebrating a marriage by reason of a previous marriage either of such woman or of himself with another person, and

(b) shows to the satisfaction of the Commission that he has, for seven years or more, continuously maintained and publicly represented such woman as his wife,

shall, where the Commission in its discretion so directs, be deemed to be married to that woman, and upon the death of the veteran at any time while so deemed to be married, such woman shall, where the Commission in its discretion so directs, be deemed to be his widow.

- (6) For the purposes of this Act, a woman who
- (a) was residing with a veteran immediately prior to his death and was prohibited from celebrating a marriage with him by reason of a previous marriage either of such veteran or of herself with another person, and
- (b) shows to the satisfaction of the Commission that she was, for seven years or more, continuously maintained and publicly represented by such veteran as his wife,

Woman deemed to be widow.

shall, where the Commission in its discretion so directs, be deemed to be the widow of that deceased veteran.”

6. Subsection (2) of section 35 of the said Act is repealed and the following substituted therefor:

1957-58, c. 19, s. 13.

“(2) The payment under subsection (1), in the case of any pensioner, shall not exceed the aggregate of

Maximum amount.

- (a) such amount in respect of funeral services as the Department of Veterans Affairs is authorized, pursuant to the *Veterans Burial Regulations*, to pay in the case of a person who died while on the strength of the Department for treatment;
- (b) such amount for cemetery charges as the Department of Veterans Affairs is authorized, pursuant to the *Veterans Burial Regulations*, to pay in the case of a person who died while on the strength of the Department for treatment; and
- (c) seventy-five dollars for the expenses of the pensioner’s last sickness;

and where payment of a burial grant is made, the Department may furnish and erect a standard headstone if the burial is carried out in Canada.”

7. All that portion of subsection (3) of section 36 of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:

1957-58, c. 19, s. 14.

“(3) Except as otherwise provided in this Act, the widow of a member of the forces who was, at the time of his death, in receipt of a pension in any of the classes one to eleven, inclusive, mentioned in Schedule A, or who died while on the strength of the Department for treatment and, but for his death, would have been in receipt of pension at the rate so provided for any of those classes, is entitled to a pension as if the member had died on service whether his death was attributable to his service or not, if”

Date for entitlement.

8. (1) Paragraph (a) of subsection (1) of section 38 of the said Act is repealed and the following substituted therefor:

1957-58, c. 19, s. 16.

“(a) the member died without leaving any widow or divorced wife who is entitled to pension or a woman awarded a pension under subsection (4) of section 36, and”

(2) Subsection (2) of section 38 of the said Act is repealed and the following substituted therefor:

Discretionary pension to parent in certain cases.

“(2) Where a member of the forces has died leaving a widow or divorced wife who is entitled to a pension or a woman awarded a pension under subsection (4) of section 36, in addition to a parent or a person in the place of a parent who, prior to the enlistment of the member or during his service, was wholly or to a substantial extent maintained by him, the Commission in its discretion, may award to each such parent or person a pension not exceeding five hundred and seventy-six dollars per annum, or in any case where, after the death of the member, the pension to the said widow or divorced wife who is entitled to a pension or the woman awarded a pension under subsection (4) of section 36 has been discontinued, may award to any one such parent or person a pension not exceeding the pension that might have been awarded to such parent or person if the member had died without leaving any widow or divorced wife entitled to a pension or woman awarded a pension under subsection (4) of section 36.”

(3) Subsection (6) of section 38 of the said Act is repealed and the following substituted therefor:

Each child assumed to be supporting parents.

“(6) When a parent or person in the place of a parent has children residing with him or her who should, in the opinion of the Commission, be earning an amount sufficient to permit them to contribute to the support of such parent or person, each such child shall be deemed to be contributing not less than ten dollars a month towards such support.”

1957-58, c. 19, s. 18.

9. Subparagraph (i) of paragraph (a) of subsection (1) of section 42 of the said Act is repealed and the following substituted therefor:

“(i) where pension is awarded by the Commission, or by an Appeal Board thereof, upon a date less than twelve months after the date of death, from the day following the date of death, or, in any case where any interim allowance in respect of the member has been paid to any person or pay and allowances as a member of the forces have been paid to the credit of the member, in respect of a period that ends after the last day of the month during which death occurred, from the day following the last day of that period; and”

10. (1) Sections 50, 51 and 52 of the said Act are repealed and the following substituted therefor:

“50. (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of members of the British Commonwealth of Nations, other than Canada, or under the laws and regulations of the several countries allied with His Majesty,

Benefits to persons who served in allied forces and were domiciled in Canada at commencement of World War I.

(a) shall be conferred upon all persons domiciled in Canada on the date of commencement of World War I, who, subsequent to that date, have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; or

(b) may, in the discretion of the Commission, be conferred upon all persons domiciled in Canada on the date of commencement of World War I, who, subsequent to that date, have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death

(i) in respect of which an application for a gratuity or pension has been made and considered, but no gratuity or pension has been awarded, under the laws or regulations of any of the aforementioned countries, and

(ii) that would have been pensionable under this Act if those persons had been members of the forces while so serving during the said war;

and the widows, children and other dependants of the persons described in paragraphs (a) and (b) upon whom the benefits of this Act are conferred are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries.

(2) Payments may be made under this section only to or in respect of a person who has been a resident of Canada for at least one year since the date of the disability or death in respect of which

(a) the gratuity or pension referred to in paragraph (a) of subsection (1) was awarded, or

(b) the application referred to in paragraph (b) of subsection (1) was made.

Benefits
of Act
extended.

51. (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws or regulations of the United Kingdom,

(a) shall be conferred upon all persons domiciled in Canada at any time during the four years next preceding the date of commencement of World War II, who, subsequent to the 1st day of September, 1939, have served in the naval, army or air forces of the United Kingdom, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of the United Kingdom; or

(b) may, in the discretion of the Commission, be conferred upon all persons domiciled in Canada at any time during the four years next preceding the date of commencement of World War II, who, subsequent to the 1st day of September, 1939, have served in the naval, army or air forces of the United Kingdom, and who, while so serving during the said war, have suffered disability or death

- (i) in respect of which an application for a gratuity or pension has been made and considered, but no gratuity or pension has been awarded, under the laws or regulations of the United Kingdom, and
- (ii) that would have been pensionable under this Act if those persons had been members of the forces while so serving during the said war;

and the widows, children and other dependants of the persons described in paragraphs (a) and (b) upon whom the benefits of this Act are conferred are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of the United Kingdom.

(2) Payments may be made under this section only to or in respect of a person who has been a resident of Canada for at least one year since the date of the disability or death in respect of which

- (a) the gratuity or pension referred to in paragraph (a) of subsection (1) was awarded, or
- (b) the application referred to in paragraph (b) of subsection (1) was made.

Benefits to
persons who
served in
allied forces
and were
domiciled in
Canada at
commence-
ment of
World War II.

52. (1) The benefits of this Act, in so far only as the same or equivalent benefits are not provided under the laws and regulations of members of the British Commonwealth of Nations, other than Canada and the United Kingdom, or under the laws and regulations of the several countries allied with His Majesty,

(a) shall be conferred upon all persons domiciled in Canada at the date of the commencement of World War II, who subsequent to that date have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death in respect of which a gratuity or pension has been awarded under the laws or regulations of any of the aforementioned countries; or

(b) may, in the discretion of the Commission, be conferred upon all persons domiciled in Canada at the date of the commencement of World War II, who, subsequent to that date, have served in the naval, army or air forces of any of the said members of the British Commonwealth of Nations, or in any of the aforesaid forces of any of the countries allied with His Majesty, and who, while so serving during the said war, have suffered disability or death

(i) in respect of which an application for a gratuity or pension has been made and considered, but no gratuity or pension has been awarded, under the laws or regulations of any of the aforementioned countries, and

(ii) that would have been pensionable under this Act if those persons had been members of the forces while so serving during the said war;

and the widows, children and other dependants of the persons described in paragraphs (a) and (b) upon whom the benefits of this Act are conferred are entitled to the benefits of this Act in so far as the same or equivalent benefits are not provided in respect of them under the laws or regulations of any of the aforementioned countries.

(2) Payments may be made under this section only to or in respect of a person who has been a resident of Canada for at least one year since the date of the disability or death in respect of which

(a) the gratuity or pension referred to in paragraph (a) of subsection (1) was awarded, or

(b) the application referred to in paragraph (b) of subsection (1) was made."

(2) Where, at any time after the coming into force of this section, any pension under the *Pension Act* is awarded to a person to whom, but for subsection (1), a pension under that Act would not have been awardable, no payments of the pension so awarded shall be made in respect of any period prior to the coming into force of this section.

11. Section 55 of the said Act is repealed and the following substituted therefor:

Northwest
Rebellion
pensions to
be continued

“**55.** Any pension that was being paid on the day this section came into force to or in respect of members of those forces who served in the Northwest Rebellion shall continue to be paid at the rates set forth in Schedules A and B.”

1957-58, c. 19
s. 21(2).

Commission
may
entertain
application
for appeal.

12. Subsection (4) of section 65 of the said Act is repealed and the following substituted therefor:

“(4) An application based upon error in any decision on an appeal from a decision of the Board of Pension Commissioners for Canada or the Commission, by reason of evidence not having been presented or otherwise, may be entertained by the Commission with the leave of an Appeal Board of the Commission designated by the Chairman of the Commission from time to time for the purpose, and any Appeal Board so designated has jurisdiction to grant leave in any case in which it appears proper to grant it.”

Coming into
force.

13. This Act shall be deemed to have come into force on the first day of March, 1961.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 11

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

[Assented to 29th March, 1961.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Preamble.
Major-General Georges Philias Vanier, DSO., MC.,
Governor General of Canada, and the estimates accompany-
ing the said messages, that the sums hereinafter mentioned
are required to defray certain expenses of the public service
of Canada, not otherwise provided for, for the financial year
ending the 31st day of March, 1962, and for other purposes
connected with the public service: May it therefore please
your Majesty, that it may be enacted, and be it enacted by
the Queen's Most Excellent Majesty, by and with the
advice and consent of the Senate and House of Commons of
Canada, that:

1. This Act may be cited as the *Appropriation Act* Short title
No. 1, 1961.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole six hundred and thirty-eight million, nine hundred and nine thousand, three hundred and fifty dollars and ten cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the aggregate of \$638,909,350.10
granted for
1961-62.

(a) one-sixth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1962, as laid before the House of Commons at the present session of Parliament, \$614,823,482.50;

- (b) one-half of the amount of the item in the Main Estimates set forth in Schedule A, \$650,000.00;
- (c) one-third of the amount of the item in the Main Estimates set forth in Schedule B, \$233,333.34;
- (d) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, \$2,038,429.67; and
- (e) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule D, \$21,164,104.59.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Power to raise loan of \$1,000,000,000 for public works and general purposes. R.S., c. 116.

4. (1) The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

Lapse of prior borrowing powers.

(2) All borrowing powers that are authorized by section 4 of chapter 5 and by section 4 of chapter 48 of the statutes of 1960 and are outstanding and unused shall expire on the date of the coming into force of this Act.

Account to be rendered. R.S., c.116.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A

Based on the Main Estimates, 1961-62. The amount hereby granted is \$650,000.00, being one-half of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which it is granted.

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS		
	GENERAL		
227	Purchases of air photography and the expenses of the Inter- departmental Committee on Air Surveys.....		*1,300,000

* Net total \$650,000.00.

SCHEDULE B

Based on the Main Estimates, 1961-62. The amount hereby granted is \$233,333.34, being one-third of the amount of the item in the said Estimates as contained in this Schedule.

SUM granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which it is granted.

No of Vote	Service	Amount	Total
		\$	\$
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
38	Grants for Researches and Investigations with respect to Atomic Energy.....		*700,000

* Net total \$233,333.34.

SCHEDULE C

Based on the Main Estimates, 1961-62. The amount hereby granted is \$2,038,429.67, being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	LEGISLATION		
	THE SENATE		
191	General Administration.....	799,862	
	HOUSE OF COMMONS		
198	General Administration—Estimates of the Clerk.....	2,215,340	
199	Estimates of the Sergeant-at-Arms.....	1,032,470	
	NATIONAL RESEARCH COUNCIL, INCLUDING THE MEDICAL RESEARCH COUNCIL		
271	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,162,943	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	CANADIAN GOVERNMENT TRAVEL BUREAU		
307	To assist in promoting the Tourist Business in Canada including a grant of \$5,000 to the Canadian Tourist Association.....	3,019,963	
			*12,230,578

* Net total \$2,038,429.67.

SCHEDULE D

Based on the Main Estimates, 1961-62. The amount hereby granted is \$21,164,104.59, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

Sums granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
63	Education— Administration, Operation and Maintenance.....	21,164,850	
	NATIONAL REVENUE		
	TAXATION DIVISION		
277	District Offices.....	32,527,133	
	PUBLIC WORKS		
	GENERAL		
370	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1961-62.....	1,000,000	
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
398	Standards Branch.....	2,758,668	
	VETERANS AFFAIRS		
	Treatment Services—		
456	Operation of Hospitals and Administration, including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for hospital and related services.....	45,217,346	
459	Prosthetic Services—Supply, Manufacture and Administration including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for prosthetic and related services.....	1,417,258	

SCHEDULE D—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	VETERANS AFFAIRS— <i>Concluded</i>		
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
464	Treatment and other Allowances.....	2,400,000	
	CANADIAN PENSION COMMISSION		
469	Pensions for Disability and Death, including pensions granted under authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards.....	147,484,000	
			*253,969,255

* Net total \$21,164,104.59

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 12

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1961.

[Assented to 29th March, 1961.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by message from His Excellency, Preamble.
Major-General Georges Philias Vanier, D.S.O., M.C.,
Governor General of Canada, and the estimates accompany-
ing the said message, that the sums hereinafter mentioned
are required to defray certain expenses of the public service
of Canada, not otherwise provided for, for the financial year
ending the 31st day of March, 1961, and for other purposes
connected with the Public Service: May it therefore please
Your Majesty, that it may be enacted, and be it enacted
by the Queen's Most Excellent Majesty, by and with the
advice and consent of the Senate and House of Commons
of Canada, that:

1. This Act may be cited as the *Appropriation Act, No. 2, 1961.* Short title.

2. From and out of the Consolidated Revenue Fund, \$182,230,741 granted for 1960-61.
there may be paid and applied a sum not exceeding in the
whole one hundred and eighty-two million, two hundred
and thirty thousand, seven hundred and forty-one dollars
towards defraying the several charges and expenses of the
public service, from the 1st day of April, 1960, to the 31st
day of March, 1961, not otherwise provided for, and being
the total of the amounts of the items, set forth in the
Schedule to this Act.

3. (1) The amount authorized by this Act to be paid or Purpose and effect of each item.
applied in respect of an item may be paid or applied only
for the purposes and subject to any terms and conditions

specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedule shall be deemed to have been enacted by Parliament on the 1st day of April, 1960.

Account to
be rendered.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE

Based on the Further Supplementary Estimates (5), 1960-61. The amount hereby granted is \$182,230,741, being the total of the amounts of the items in the Estimates as contained in this Schedule.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1961, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	RESEARCH BRANCH		
658	Branch Administration—To extend the purposes of Vote 5 of the Main Estimates, 1960-61 to include a Grant of \$10,000 to assist in defraying the costs of the Ninth International Botanical Congress.....	1	
	PRODUCTION AND MARKETING BRANCH		
659	Subsidies for Cold Storage Warehouses under the Cold Storage Act—Further amount required.....	98,432	
	Health of Animals Division—		
660	Operation and Maintenance—Further amount required....	153,000	
661	Compensation for Animals Slaughtered—Further amount required.....	1,113,869	
662	Payment of compensation to owners of animals affected with diseases coming under the Animal Contagious Diseases Act, which have died or have been slaughtered in circumstances not covered by the above Act and Regulations made thereunder, all as detailed in the Estimates.....	12,008	
	Livestock Division—		
663	Supervision of Race Track Betting—Further amount required.....	35,000	
	Plant Products Division—		
664	Agricultural Lime Assistance—Further amount required....	200,000	
665	Contributions to the Governments of the Provinces of Alberta, Saskatchewan, and Manitoba, in accordance with terms and conditions prescribed by the Governor in Council, of one-half the amounts paid by the Governments of those Provinces to farmers in respect of their 1959 unharvested crops to a maximum of \$300 in respect of any one farm—Further amount required.....	390,000	
	SPECIAL		
666	Estimated amount required to recoup the Agricultural Commodities Stabilization Account to cover the net operating loss of the Agricultural Stabilization Board as at March 31, 1961.....	69,504,548	71,506,858
	CIVIL SERVICE COMMISSION		
667	Salaries and Contingencies of the Commission—Further amount required.....		30,000

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
EXTERNAL AFFAIRS			
A—DEPARTMENT			
668	Canadian Representation at International Conferences—Further amount required.....	31,500	
669	Gift on the occasion of the wedding of the King of the Belgians.....	1,500	
670	Gifts to commemorate the independence of African States.....	1,200	
671	To provide for memorial plaques presented to Ireland to commemorate the life and work of Thomas D'Arcy McGee....	800	
CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS			
Special Aid Programs—			
672	Contribution to the United Nations fund for the Congo in an amount of \$1,000,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1961, which is.....	991,000	
673	To reimburse the Agricultural Products Board Account for whole milk powder donated for international relief purposes.....	2,420,000	
674	To reimburse the Agricultural Commodities Stabilization Account for canned pork and the Agricultural Products Board Account for whole milk powder supplied as emergency food relief for the Congo.....	6,200	
OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS			
675	Assessments for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates including authority to pay such assessments in the amounts and in the currencies in which they are levied—Further amount required in Canadian dollars, estimated as of February, 1961.....	401,500	
676	To provide the International Civil Aviation Organization with office accommodation at less than commercial rates—Further amount required.....	40,778	
677	Assessment for the United Nations Congo Ad Hoc Account for 1960 in an amount of \$1,506,232 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1961, which is.....	1,493,000	
678	Assessment towards financing the United Nations Emergency Force in an amount of \$892,680 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of February, 1961, which is.....	885,000	
			6,272,478
FINANCE			
ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS			
679	Royal Canadian Mint—Administration, Operation and Maintenance—Further amount required.....	65,000	
CONTINGENCIES AND MISCELLANEOUS			
680	Telephone Service at Ottawa for all Departments—Further amount required.....	40,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
FINANCE—Concluded			
CONTINGENCIES AND MISCELLANEOUS—Concluded			
681	To authorize the Treasury Board to delete from the accounts certain debts due to, and claims of Her Majesty, each of which is in excess of \$1,000, amounting in the aggregate to \$4,071,008.80.....	1	
GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS			
682	Government's contribution to the Hospital Insurance (Outside Canada) Plan—Further amount required.....	40,000	
683	To provide that paragraph (c) of subsection (4) of section 8 of the Public Service Superannuation Act, as amended by section 6 of chapter 38 of the Statutes of Canada, 1960, shall be deemed to have come into force on the 1st day of January, 1954.....	1	
684	To authorize payments to be made from the Superannuation Account to such persons as the Treasury Board determines to be persons from whom moneys were recovered or withheld pursuant to paragraph (a) of section 16 of the Public Service Superannuation Act as it stood before the 14th day of July, 1960, and from whom moneys in the same amount would not have been required to be recovered or withheld had section 11 of chapter 38 of the Statutes of Canada, 1960, come into force on the 1st day of January, 1954; such payments to be made in an amount to be determined by the Treasury Board but in no case shall the amount be greater than an amount by which the amount recovered or withheld exceeds the amount that otherwise would have been required to be recovered or withheld had section 11 of chapter 38 of the Statutes of Canada, 1960, come into force on the 1st day of January, 1954.....	1	
685	To provide that any reference to the "Civil Service Superannuation Act" in subsection (5) of section 20 of chapter 38 of the Statutes of Canada, 1960, shall be construed as including a reference to the "Public Service Superannuation Act".....	1	
686	To provide that where the Governor in Council is of opinion that a person, without fraud, continued to render services to the Crown after attaining the age at which he automatically ceased to be employed pursuant to regulations made under the authority of paragraph (ad) of subsection (1) of section 30 of the Public Service Superannuation Act, such person shall be deemed, notwithstanding anything in those regulations, to have been employed in the Public Service during such period after attaining that age as the Governor in Council determines.....	1	145,005
FISHERIES			
SPECIAL			
687	Newfoundland Bait Service—Further amount required.....	10,500	
688	Payment, subject to such terms and conditions as the Governor in Council prescribes, of assistance to producers of salted fish on products designated by the Governor in Council, in the amount of 50% of the laid down cost of salt purchased for their production—Further amount required.....	155,105	
689	Estimated amount required to recoup the Lobster Trap Indemnity Account, established under Vote 540 of the Appropriation Act No. 5, 1955, to cover the net operating loss in the Account as at March 31, 1961.....	114,480	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES—Concluded		
	SPECIAL—Concluded		
690	Contribution towards the costs of a special meeting of the Food and Agriculture Organization of the United Nations regarding distribution and use of fish meal.	2,500	282,585
	GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS		
691	Office of the Secretary to the Governor General—Further amount required.....		8,500
	JUSTICE		
	A—DEPARTMENT		
692	Departmental Administration—To extend the purposes of Vote 151 of the Main Estimates, 1960-61, to include a grant of \$5,000 to the Canadian Corrections Association to assist in defraying the costs of a Congress of Corrections to be held in Toronto in 1961.....	5,000	
693	Parole Act Administration—Further amount required.....	4,000	
	Northwest Territories—		
694	Administration of Justice in the Northwest Territories including the Northwest Territories Territorial Court—Further amount required.....	48,500	
	Yukon Territory—		
695	Administration of Justice in the Yukon Territory including the Yukon Territorial Court—Further amount required.....	7,000	
	Combines Investigation Act—		
696	Restrictive Trade Practices Commission—Further amount required.....	17,500	82,000
	LABOUR		
	A—DEPARTMENT		
	SPECIAL SERVICES		
697	Special Services Branch including the promotion of a program for combatting seasonal unemployment, the organization and use of workers for farming and related industries and assistance to the Provinces under agreements entered into with the Provinces by the Minister of Labour with the approval of the Governor in Council—Further amount required.....	65,000	
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE		
698	To carry out the purposes of the Technical and Vocational Training Assistance Act (superseding the Vocational Training Co-ordination Act)—Payments to the Provinces—Further amount required.....	450,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LABOUR—Concluded		
	B—UNEMPLOYMENT INSURANCE COMMISSION		
699	Administration of the Unemployment Insurance Act—Further amount required.....	1,850,000	2,365,000
	LEGISLATION		
	THE SENATE		
700	General Administration—Further amount required and to authorize, notwithstanding the Civil Service Act, an honorarium in the amount of \$1,000 to Dr. R. Warren James, for services rendered by him to the Senate Special Committee on Manpower and Unemployment.....	27,200	
	HOUSE OF COMMONS		
701	General Administration—Estimates of the Clerk—Further amount required.....	177,500	211,700
702	Estimates of the Sergeant-at-Arms—Further amount required.....	7,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GEOGRAPHICAL BRANCH		
703	Administration, Operation and Maintenance—Further amount required.....	6,150	
	GENERAL		
704	Polar Continental Shelf Project—Further amount required.....	89,940	
	B—DOMINION COAL BOARD		
705	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council—Further amount required.....	2,106,502	2,202,592
	NATIONAL DEFENCE		
	ROYAL CANADIAN NAVY		
706	Operation and Maintenance—Further amount required.....	1,000,000	
	ROYAL CANADIAN AIR FORCE		
707	Construction or Acquisition of Buildings, Works, Land and Major Equipment—Further amount required.....	10,000,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL DEFENCE—Concluded		
	MUTUAL AID		
708	Contributions to infrastructure and military costs of the North Atlantic Treaty Organization—Further amount required..	740,000	
	GENERAL SERVICES		
709	Grants to assist in the construction of the Soldiers' Memorial Hospital at Middleton, Nova Scotia—Further amount required.....	70,588	11,810,588
	NATIONAL HEALTH AND WELFARE		
	NATIONAL HEALTH BRANCH		
710	Health Services, including Assistance to the Provinces— To authorize General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates—Further amount required.....	6,000,000	
711	Administration of the Opium and Narcotic Drugs Act—Further amount required.....	35,000	
	GENERAL		
712	Grants to Health and Welfare and Related Organizations, as detailed in the Estimates—Further amount required.....	10,000	6,045,000
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISION		
713	To provide that Joseph Napoleon Armand Berthiaume (otherwise known as Joseph Alfred Roland Gariepy) is deemed to have been an employee of the Crown in the Department of National Revenue, Customs and Excise Division, and continuously employed during the period between May 16, 1927 and June 17, 1960 inclusive.....		1
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
714	Customs duty and sales tax on pipelines and oil purchased from the United States Government, pursuant to Vote 619 of the Appropriation Act No 1, 1960.....	486,588	
	WATER RESOURCES BRANCH		
715	Construction of a fishway on the Yukon River at the site of the hydro-electric power development being constructed by the Northern Canada Power Commission for the Whitehorse Area.....	5,290	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NORTHERN AFFAIRS AND NATIONAL RESOURCES—Concluded			
NORTHERN ADMINISTRATION BRANCH			
716	Branch Administration—To extend the purposes of Vote 282 of the Main Estimates for 1960-61 to include a grant of \$2,000 to assist in defraying the expenses of the First International Symposium on Arctic Geology and to provide a further amount of.....	16,000	
717	Yukon Territory— Operation and Maintenance—To extend the purposes of Vote 287 of the Main Estimates for 1960-61 to include the grant and the contribution detailed in these Estimates.....	115,000	
718	Northwest Territories and Other Field Services— Operation and Maintenance—To extend the purposes of Vote 289 of the Main Estimates for 1960-61 to include the grants detailed in these Estimates.....	62,300	685,178
POST OFFICE			
719	Transportation—Movement of Mail by Land, Air and Water, including Administration—Further amount required.....		1,232,000
PRIVY COUNCIL			
SPECIAL			
720	Expenses of the Royal Commission on railway problems— Further amount required.....	10,800	
721	Expenses of the Royal Commission on Coal—Further amount required.....	9,870	
722	Expenses of the Royal Commission on the Great Slave Lake Railway—Further amount required.....	2,150	22,820
PUBLIC PRINTING AND STATIONERY			
723	Printing of Canada Gazette—Further amount required.....	17,000	
724	Printing and Binding the Annual Statutes—Further amount required.....	3,000	
725	Reimbursement of the Queen's Printer's Advance Account for the value of stores which have become obsolete, unserviceable, lost or destroyed.....	41,467	61,467
PUBLIC WORKS			
PUBLIC BUILDINGS CONSTRUCTION AND SERVICES			
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
726	Nova Scotia.....	1	
727	Manitoba.....	1	
728	Saskatchewan.....	1	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
PUBLIC WORKS—Concluded			
HARBOURS AND RIVERS ENGINEERING SERVICES			
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects— Further amount required—		
729	British Columbia and Yukon.....	1	
NATIONAL CAPITAL COMMISSION (formerly under Privy Council)			
730	Administration, and Operation and Maintenance of parks, parkways and grounds adjoining Government Buildings at Ottawa and Hull—Further amount required.....	66,500	
731	Interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region—Further amount required.....	140,000	
			206,504
ROYAL CANADIAN MOUNTED POLICE			
	Land, Air and Training Divisions—		
732	Operation and Maintenance—Further amount required.....	224,500	
	Marine Services—		
733	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	31,704	
PENSIONS AND OTHER BENEFITS			
734	Government's Contribution to the Royal Canadian Mounted Police Superannuation Account (formerly the Royal Canadian Mounted Police Pension Account)—Further amount required.....	34,117	
			290,321
TRADE AND COMMERCE			
A—DEPARTMENT			
GENERAL ADMINISTRATION			
735	To amend Vote 692 of The Appropriation Act No. 5, 1958, by adding thereto the words "and to ratify Orders in Council P.C. 2701 of May 16, 1952, P.C. 1954-1040 of July 6, 1954, P.C. 1955-35/1033 of July 7, 1955, and P.C. 1956-1267 of August 15, 1956, providing for increases in such rate as therein authorized, and Order in Council P.C. 1958-875 providing that such rate be \$16,500 per annum".....	1	
	Trade Commissioner Service—		
736	Administration and Operation—Further amount required..	100,000	
737	Exhibitions Branch—Further amount required.....	95,000	
			195,001

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT		
	A—DEPARTMENT		
	MARINE SERVICES		
738	Aids to Navigation— Administration, Operation and Maintenance—Further amount required.....	46,130	
	RAILWAY AND STEAMSHIP SERVICES		
739	Payments to the Canadian National Railway Company (here- inafter called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1960—Further amounts required— Prince Edward Island Car Ferry and Terminals.....	322,464	
740	Newfoundland Ferry and Terminals.....	22,820	
741	Canadian National Railways Deficit, 1960—Amount required to provide for payment to the Canadian National Railway Company (hereinafter called the National Company) upon applications approved by the Minister of Transport, made by the National Company to the Minister of Finance, and to be applied by the National Company in payment of the system deficit (certified by the auditors of the National Company) arising in the calendar year 1960, subject to recovery therefrom of accountable advances made to the National Company from the Consolidated Revenue Fund..	67,496,777	
	PENSIONS AND OTHER BENEFITS		
742	Supplemental Pension Allowances to former employees of New- foundland Railways, Steamships and Telecommunication Services transferred to Canadian National Railways— Further amount required.....	12,652	
	GENERAL		
743	Trans-Canada Air Lines Deficit, 1960—Amount required to provide for payment to Trans-Canada Air Lines (herein- after called the Company) upon applications approved by the Minister of Transport, made by the Company to the Minister of Finance, and to be applied by the Company in payment of the deficit (certified by the auditors of the Company) arising in the calendar year 1960, subject to recovery therefrom of accountable advances made to the Company from the Consolidated Revenue Fund.....	2,607,350	
744	Reimbursement of the Department of Transport Stores Account for the value of stores which have become obsolete, un- serviceable, lost or destroyed.....	62,514	
	AIR SERVICES		
	Administrative Branch		
745	Construction Services Administration— Further amount required.....	25,000	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT— <i>Concluded</i>		
	A—DEPARTMENT— <i>Concluded</i>		
	AIR SERVICES— <i>Concluded</i>		
	Civil Aviation Branch		
746	Control of Civil Aviation including the Administration of the Aeronautics Act and Regulations issued thereunder—Further amount required.....	58,000	
747	Construction or Acquisition of Buildings, Works, Land and Equipment—To extend the purposes of Vote 446 of the Main Estimates, 1960-61, to provide authority to charge to that Vote the cost of lands purchased by means of loans provided for the acquisition of land required to control properties in the vicinity of main terminal airports in order to prevent the erection of hazards to flying and for future development of new and existing main terminal airports including facilities for relieving congestion thereat.....	1	
748	Grants for the development of Civil Aviation, in the amounts detailed in the Estimates—Further amount required.....	130,000	
	Special		
749	Gift of furnishings to the Headquarters of the World Meteorological Organization at Geneva, Switzerland.....	1,006	
	B—GENERAL		
	CANADIAN MARITIME COMMISSION		
750	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required.....	692,779	71,477,493
	VETERANS AFFAIRS		
	Treatment Services—		
751	Hospital Construction, Improvements, Equipment, and Acquisition of Land—Further amount required.....	695,000	
752	Prosthetic Services—Supply, Manufacture and Administration—Further amount required.....	25,000	
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
753	Assistance Fund (War Veterans Allowances)—Further amount required.....	100,000	
754	Treatment and Other Allowances—Further amount required...	50,000	
	CANADIAN PENSION COMMISSION		
755	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8848 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards—Further amount required.....	2,200,000	
756	Gallantry Awards—World War II and Special Force—Further amount required.....	500	

SCHEDULE—Continued

No. of Vote	Service	Amount	Total
		\$	\$
VETERANS AFFAIRS—Concluded			
SOLDIER SETTLEMENT AND VETERANS' LAND ACT			
757	Grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act—Further amount required.....	2,000	
758	To authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible; and for such other work on other properties as may be required to protect the interest of the Director therein—Further amount required.....	150	
			3,072,650
LOANS, INVESTMENTS AND ADVANCES			
CANADIAN BROADCASTING CORPORATION			
759	Advances to the Canadian Broadcasting Corporation, in accordance with such terms and conditions as the Governor in Council may approve, for the purpose of increasing working capital.....	3,000,000	
JUSTICE			
<i>Penitentiaries</i>			
760	To increase to \$255,000 the amount that may be charged at any time to the revolving fund established by Vote 543 of the Appropriation Act No. 3, 1953, and extended by Vote 658 of the Appropriation Act No. 5, 1958, for the purpose of financing the operation of canteens in Federal Penitentiaries; additional amount required.....	200,000	
NORTHERN AFFAIRS AND NATIONAL RESOURCES			
<i>National Parks Branch</i>			
761	Loans to the Jasper Recreation Commission in the current and subsequent fiscal years, on such terms and conditions as the Governor in Council may approve, to assist in the construction of an ice arena.....	25,000	
<i>Northern Administration Branch</i>			
762	Loans to the Government of the Yukon Territory (hereinafter called the "Territory") in the current and subsequent fiscal years, in accordance with such terms and conditions as the Governor in Council may approve, to enable that Government to make second mortgage loans to residents of the Territory for the purchase or construction of houses in the Territory under the National Housing Act; and to authorize the Commissioner of the Territory in Council, notwithstanding anything in the Yukon Act, to make ordinances in respect of the repayment by the Government of the Territory of loans made to it pursuant to this Vote and in respect of the lending of money to residents of the Territory for the purchase or construction of houses in the Territory and the taking of security therefor by way of mortgage....	100,000	

SCHEDULE—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	<p>LOANS, INVESTMENTS AND ADVANCES—<i>Concluded</i></p> <p>NORTHERN AFFAIRS AND NATIONAL RESOURCES—<i>Concluded</i></p> <p><i>Northern Administration Branch—Concluded</i></p>		
763	Loans to the Government of the Northwest Territories (hereinafter called the "Territories") in the current and subsequent fiscal years, in accordance with such terms and conditions as the Governor in Council may approve, to enable that Government to make second mortgage loans to residents of the Territories for the purchase or construction of houses in the Territories under the National Housing Act; and to authorize the Commissioner of the Territories in Council, notwithstanding anything in the Northwest Territories Act, to make ordinances in respect of the repayment by the Government of the Territories of loans made to it pursuant to this Vote and in respect of the lending of money to residents of the Territories for the purchase or construction of houses in the Territories and the taking of security therefor by way of mortgage.....	100,000	
	<p>VETERANS AFFAIRS</p> <p><i>Soldier Settlement and Veterans' Land Act</i></p>		
764	Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the Veterans' Land Act—Further amount required..	600,000	4,025,000
			182,230,741

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 13

An Act to amend the Canadian and British Insurance Companies Act.

[Assented to 29th March, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S. c. 31;
1956, c. 28;
1957-58, c. 11.

1. Paragraph (b) of subsection (1) of section 2 of the *Canadian and British Insurance Companies Act* is repealed and the following substituted therefor:

“(b) “British company” means any corporation incorporated under the laws of the United Kingdom or any other Commonwealth country including any political sub-division or dependent territory thereof, other than Canada or a province of Canada, for the purpose of carrying on the business of insurance;”

“British company.”

2. Subsection (3) of section 3 of the said Act is repealed and the following substituted therefor:

1957-58, c. 11,
s. 1.

“(3) Except as hereinafter otherwise provided, sections 15, 16A, 17, 26, 28, 41, 42, 43, 44, 45, 45A, 46 and Parts III to VII apply to every company irrespective of the date of incorporation.”

Provisions applicable to all companies.

3. (1) Subsection (7) of section 5 of the said Act is repealed and the following substituted therefor:

“(7) Shares of the capital stock may be paid in full on subscription, but if not so fully paid shall be paid by such instalments and at such times and places as the directors appoint but, except with the unanimous consent of the shareholders,

Calls on shares.

(a) the first instalment shall not exceed twenty-five per cent,

(b) no subsequent instalment shall exceed ten per cent, and

(c) not less than thirty days' notice of any call shall be given."

(2) Subsections (9) and (10) of section 5 of the said Act are repealed and the following substituted therefor:

Annual meeting.

"(9) A general meeting of the company shall be held in Canada either at its head office or elsewhere once in each year after the organization of the company and the commencement of business, and at such meeting a statement of the affairs of the company shall be submitted.

Reinsurance.

(10) The company may cause itself to be reinsured against any risk undertaken by it, and may reinsure any other insurer against any risk undertaken by such other insurer if the risk is of a class of insurance that the company is registered to transact."

4. (1) Subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

"Life company" defined.

"6. (1) In this section, the expression "life company" means a company registered to transact the business of life insurance."

1957-58, c 11, s. 2.

Qualifications of directors.

(2) Subsection (3) of section 6 of the said Act is repealed and the following substituted therefor:

"(3) No person is eligible to be elected, or to be, an ordinary director or a shareholders' director unless he holds in his own name and for his own use and absolutely in his own right shares in the capital stock of the company either to the amount of at least two thousand five hundred dollars or on which at least five hundred dollars has been paid as capital or credited as capital and, in either case, has paid in cash all calls due thereon and all liabilities incurred by him to the company, other than liabilities under loans on the security of the company's own policies of life insurance."

(3) Subsections (5) and (6) of section 6 of the said Act are repealed and the following substituted therefor:

Number of directors.

"(5) In the case of a life company,

(a) at the first and each subsequent annual meeting prior to the third annual meeting referred to in paragraph (b), there shall be elected not less than five nor more than nine directors who shall hold office for one year but shall be eligible for re-election;

Idem.

(b) the company shall by by-law, passed not later than three months prior to the holding of its third annual meeting after the granting of a certificate of registry to it under this Act, determine the number of directors to be elected at such meeting and at each sub-

sequent annual meeting, until the number is changed in accordance with paragraph (d), but the number so fixed shall not be less than nine nor more than twenty-one;

- (c) if the company has a capital stock and has participating policyholders, the by-law referred to in paragraph (b) shall fix the number of shareholders' directors and the number of policyholders' directors, but the number of policyholders' directors so fixed shall be at least one-third of the total number of directors; Number and composition of board of directors.
- (d) the company may by by-law change, or authorize the board of directors to change, from time to time, the number of directors as fixed by the by-law referred to in paragraph (b) but Change in number of directors.
- (i) the number of directors as so changed shall not be less than nine nor more than twenty-one,
- (ii) if the company has a capital stock and has participating policyholders, the number of policyholders' directors shall not be less than one-third of the total number of directors as so changed, and
- (iii) in the event of any increase in the number of directors, any vacancy in the board thereby created may be filled by the directors from among the qualified shareholders or policyholders, as the case may be, for a term of office expiring at the next annual meeting;
- (e) the company may by by-law provide that all of the directors, or if the company has two classes of directors, all of the directors of each class, shall be elected for one, two or three years, and if the by-law provides for a term of two or three years it may also provide that the term of office of each director shall be for the whole of that term, or that, as nearly as may be, one-half of the directors shall retire each year if the term is two years, and one-third of the directors shall retire each year if the term is three years; but a director who has completed a term of office is eligible for re-election; Tenure of office of directors.
- (f) every person who has contracted with the company for a participating policy, and who holds such a policy upon which no premiums are due, shall be a member of the company and be entitled to attend and vote at all general meetings of the company, but if the company has a capital stock, such member, unless he is also a shareholder, Participating policyholder a member.
- (i) is not entitled to vote at the election of share-

holders' directors, and

- (ii) in the case of the liquidation of the company, is not entitled to share in the distribution of the assets except as a policyholder, and is not liable to be placed on the list of contributories;

Qualifica-
tions for
policyholders'
directors.

- (g) every such member who holds a participating policy or policies of the company for four thousand dollars or more of insurance, exclusive of bonus additions, upon which no premiums are due, and who has paid premiums on such policy or policies for at least three full years,

- (i) is eligible, if the company has no capital stock, for election as a director, and

- (ii) is eligible, if the company has a capital stock, for election as a policyholders' director, unless he is also a shareholder;

and for the purpose of this paragraph a participating policy providing for an annuity shall be deemed to be a participating policy of insurance in the ratio of one hundred dollars of annuity per annum to one thousand dollars of insurance and *pro rata* for larger or smaller amounts; and

Directors to
meet
together.

- (h) if the company has two classes of directors, the policyholders' directors shall meet with the shareholders' directors and shall have a vote on all business matters."

(4) Subsections (8) and (9) of section 6 of the said Act are repealed and the following substituted therefor:

Voting rights
of share-
holders.

"(8) In the case of a company that has a capital stock, each shareholder who has paid in cash all calls due upon his shares is entitled to attend and vote at all general meetings of the company, in person or by proxy, and has one vote for each share held by him, subject to the following provisions:

- (a) every proxy shall himself be a shareholder and entitled to vote; and

- (b) the instrument of proxy is not valid unless executed within three months of the date of the meeting at which it is to be used, nor unless filed with the secretary of the company at least ten days before such meeting, and shall be used only at such meeting or any adjournment thereof, and may be revoked at any time prior to such meeting.

Paid officers
on board of
directors.

(9) No agent is eligible to be elected or to be a director of a company and the board of directors shall not at any time include more than two paid officers, other than the chairman of the board and the president."

5. Sections 24 and 25 of the said Act are repealed.

6. Subsection (4) of section 26 of the said Act is repealed and the following substituted therefor:

“(4) A company registered to transact the business of life insurance that has participating policyholders who are entitled to vote at meetings of the company shall advise each such policyholder at least once in each year, by means of a statement printed in prominent type on a premium notice, premium receipt or dividend notice or otherwise, of his rights to attend and to vote in person or by proxy at such meetings and that he may obtain a blank form of proxy on request therefor in writing to the secretary of the company; but in the case of a participating policyholder who is not in receipt of a regular annual premium notice, premium receipt or dividend notice from the company, notice of the rights of the policyholder to attend and to vote at meetings of the company may be given less frequently than annually but not less frequently than once every five years.”

Life insurance companies to inform participating policyholders of rights.

7. Section 28 of the said Act is repealed and the following substituted therefor:

“28. (1) The directors may at any time call a special general meeting of the company.

Special general meetings. Idem.

(2) The directors shall call a special general meeting of the company on the requisition of

(a) any three of their number; or

(b) any twenty-five shareholders who together hold one-tenth or more in value of the subscribed stock of the company; or

(c) any number of shareholders who together hold one-fourth or more in value of the subscribed stock of the company.

(3) The requisition shall state the objects of the meeting, and be signed by the persons by whom the requisition is made and deposited at the head office of the company, and may consist of several documents in like form, or to the like effect, each signed by one or more of such persons.

Idem.

(4) The notice calling a special general meeting shall specify the time and place for the holding of the meeting and the business to be transacted thereat and shall be given at least fifteen days previous to the meeting in two or more daily newspapers published at or near the place where the head office of the company is situated and in one or more newspapers published in each province in which the company transacts business.

Notice.

(5) Special general meetings of the company shall be held in Canada either at the head office of the company or elsewhere.”

Place.

8. Section 33 of the said Act is repealed and the following substituted therefor:

No loan to directors or officers.

“**33.** The company shall not lend any of its funds to a director or officer of the company or to the wife or a child of a director or officer, except, in the case of a company registered to transact the business of life insurance, on the security of the company’s own policies of life insurance.”

9. Paragraph (a) of section 44 of the said Act is repealed and the following substituted therefor:

Subsequent increase in capital.

“(a) from time to time, out of that portion of the profits of the company that belongs to the shareholders, by declaring a stock dividend or bonus or otherwise, increase the paid-up capital thereof by an amount not exceeding the amount or amounts by which the same may have been reduced under section 43, and thereafter the paid-up capital and the capital stock and each share shall represent the aggregate of the amount to which it has been reduced and the amount of such increase so declared as aforesaid; or”

10. The said Act is further amended by adding thereto, immediately after section 45 thereof, the following section:

Borrowing powers.

“**45A.** (1) For the purpose of carrying out the objects and powers of the company, and for no other purpose, the company may, upon being authorized by by-law made by the directors and confirmed at a general meeting of the company,

- (a) borrow money upon the credit of the company; and
- (b) mortgage, hypothecate, charge or pledge the real or personal property of the company, or both, to secure any money borrowed under the authority of this section.

(2) The company shall not borrow money by the issue of bonds or debentures.”

11. Subsections (3) to (5) of section 46 of the said Act are repealed and the following substituted therefor:

Creation and maintenance of separate fund.

“(3) In the case of a company registered to transact the business of life insurance, the company may, for the purposes of creating or maintaining a separate and distinct fund in respect of any class of insurance business other than life insurance,

Transfers from shareholders’ fund.

- (a) if duly authorized by by-law, make transfers from the shareholders’ fund but the maximum amount that may be so transferred at any particular time is an amount equal to the surplus in the shareholders’ fund at that time; and

(b) if duly authorized by by-law passed by the directors and approved by at least a two-thirds vote of the members present or represented at a special general meeting of the company duly called for that purpose, make transfers from the life insurance funds but

Transfers
from life
insurance
funds.

(i) if the surplus in all of the life insurance funds combined is less than one million dollars, the maximum amount that may be so transferred from any life insurance fund at a particular time is the amount by which twenty-five per cent of the surplus in that fund exceeds the aggregate of all transfers from that fund prior to that time to all such separate and distinct funds, and the aggregate of all such transfers from the life insurance funds, whenever made, shall not exceed one hundred thousand dollars, and

(ii) if the surplus in all of the life insurance funds combined is one million dollars or more, the maximum amount that may be so transferred from any life insurance fund at a particular time is the amount by which ten per cent of the surplus in that fund exceeds the aggregate of all transfers from that fund prior to that time to all such separate and distinct funds.

(4) Where for the purposes of paragraph (b) of subsection (3) the surplus in any fund is required to be determined, the surplus shall be taken as shown in the most recent annual statement deposited in the Department as required by this Act.

Determina-
tion of
surplus.

(5) Where any transfer has been made from a particular life insurance fund pursuant to subsection (3), then in any distribution of the profits of the separate and distinct fund to which the transfer was made, a portion of the profits remaining after deducting any amount set aside by the directors for distribution as dividends to holders of participating policies, if any, equal to the proportion thereof that the total amount transferred from that life insurance fund to the separate and distinct fund is of the total amount transferred from all funds of the company to the separate and distinct fund shall be credited to that life insurance fund."

Distribution
of profits of
separate fund.

12. (1) Paragraph (a) of subsection (1) of section 63 of the said Act is amended by striking out the word "or" at the end of subparagraph (iii) thereof, by repealing subparagraph (iv) thereof, and by adding thereto the following subparagraphs:

"(iv) any country in which the company is carrying on business, or a province or state thereof, or

(v) any colony, dependency, territory or possession of any country if the company is carrying on business in that colony, dependency, territory or possession;”

(2) Paragraph (b) of subsection (1) of section 63 of the said Act is repealed and the following substituted therefor:

Municipal.
etc.,
securities.

“(b) the bonds, debentures or other evidences of indebtedness of or guaranteed by a municipal corporation in Canada or in any country in which the company is carrying on business, or of a school corporation in Canada or in any country in which the company is carrying on business, or secured by rates or taxes levied under the authority of the government of a province of Canada on property situated in such province and collectible by the municipalities in which such property is situated;”

(3) Paragraphs (h) and (i) of subsection (1) of section 63 of the said Act are repealed and the following substituted therefor:

Bonds, etc.,
secured by
mortgage.

“(h) the bonds, debentures or other evidences of indebtedness of a corporation that are fully secured by a mortgage, charge or hypothec to a trustee or to the company upon any, or upon any combination, of the following assets:

- (i) real estate;
- (ii) the plant or equipment of a corporation that is used in the transaction of its business; or
- (iii) bonds, debentures or other evidences of indebtedness or shares, of a class authorized by this subsection as investments, or cash balances, if such bonds, debentures or other evidences of indebtedness, shares or cash balances are held by a trustee;

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class authorized by this Act as investments shall not render such bonds, debentures or other evidences of indebtedness ineligible as an investment;

Equipment
trust
certificates.

(i) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada or the United States of America to be used on railways or public highways, if the obligations or certificates are fully secured by

- (i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and
- (ii) a lease or conditional sale thereof by the trustee to the corporation;”

(4) Subsection (1) of section 63 of the said Act is further amended by adding thereto, immediately after paragraph (j) thereof, the following paragraph:

“(j*a*) guaranteed investment certificates issued by a trust company incorporated in Canada that, at the date of the investment by the company therein, complied with the requirements described in subparagraph (i) of paragraph (j) in respect of the payment of dividends;”

Guaranteed investment certificates.

(5) Paragraphs (m) to (o) of subsection (1) of section 63 of the said Act are repealed and the following substituted therefor:

“(m) ground rents, mortgages or hypothecs on real estate in Canada or in any country in which the company is carrying on business, but the amount paid for the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking equally with or superior to the mortgage or hypothec in which the investment is made shall not exceed two-thirds of the value of the real estate covered thereby;

Real estate mortgages.

(n) mortgages or hypothecs on real estate or leaseholds in Canada or in any country in which the company is carrying on business or bonds or notes secured by such mortgages or hypothecs, notwithstanding that the mortgage or hypothec exceeds the amount that the company is otherwise authorized to invest, if the excess is guaranteed or insured by the government or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country; or

Guaranteed or insured real estate mortgages.

(o) real estate or leaseholds for the production of income in Canada or in any country in which the company is carrying on business, either alone or jointly with any other company or with any loan company or trust company incorporated in Canada, if

Real estate for the production of income.

(i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that, at the date of the investment by the company therein, complied with the requirements described in subparagraph (i) of paragraph (j) in respect of the payment of dividends,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least eighty-five per cent of the amount invested by the

company in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

- (iii) the total investment of a company in any one parcel of real estate or in any one leasehold does not exceed one per cent of the book value of the total assets of the company;
and the company may hold, maintain, improve, lease, sell or otherwise deal with or dispose of the real estate or leasehold.”

(6) Paragraphs (b) and (c) of subsection (2) of section 63 of the said Act are repealed and the following substituted therefor:

Real estate mortgages.

“(b) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada or in any country in which the company is carrying on business, but the amount of the loan together with the amount of indebtedness under any mortgage or hypothec on the real estate or interest therein ranking equally with or superior to the loan shall not exceed two-thirds of the value of the real estate or interest therein, subject to the exception that a company may accept as part payment for real estate sold by it a mortgage or hypothec for more than two-thirds of the sale price of the real estate; or

Guaranteed or insured real estate mortgages.

(c) real estate or leaseholds in Canada or in any country in which the company is carrying on business, notwithstanding that the loan exceeds the amount that the company is otherwise authorized to lend, if, to the extent of the excess, the mortgage or hypothec thereon securing the loan is guaranteed or insured by the government or through an agency of the government of the country in which the real estate or leasehold is situated or of a province or state of that country.”

(7) Subsections (3) and (4) of section 63 of the said Act are repealed and the following substituted therefor:

Securities received on reorganization, liquidation or amalgamation.

“(3) Where a company owns securities of a corporation and as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation, such securities are to be exchanged for bonds, debentures or other evidences of indebtedness or shares not eligible as investments under the foregoing provisions of this section, the company may accept such bonds, debentures or other evidences of indebtedness or shares, but they shall be allowed as an asset of the company, in the annual report prepared by the Superintendent for the Minister, only for a period of five years after their

acceptance, or such further period as the Treasury Board may from time to time determine, unless it is shown to the satisfaction of the Treasury Board that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they become eligible as investments under the foregoing provisions of this section.

(4) A company may make investments or loans not hereinbefore authorized by this section, including investments in real estate or leaseholds, subject to the following provisions:

Other assets.

(a) investments in real estate or leaseholds pursuant to this subsection shall be made only for the production of income, and may be made by the company in Canada or in any country in which the company is carrying on business, either alone or jointly with any other company, and the company may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a company pursuant to this subsection in any one parcel of real estate or in any one leasehold shall not exceed one-half of one per cent of the book value of the total assets of the company;

Real estate for the production of income.

(b) this subsection shall be deemed not to enlarge the authority conferred by subsections (1) and (2) to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds, and not to affect the operation of subparagraphs (i) and (ii) of paragraph (l) of subsection (1); and

Exceptions.

(c) the total book value of the investments and loans made under this subsection and held by the company, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed five per cent of the book value of the total assets of the company."

Limitation

(8) Subsections (6) to (9) of section 63 of the said Act are repealed and the following substituted therefor:

"(6) Notwithstanding the foregoing provisions of this section, a company may invest or lend its funds as authorized by *The National Housing Act, 1938*, the *National Housing Act*, and the *National Housing Act, 1954*.

National Housing Acts.

(7) The total book value of the investments of a company in common shares shall not exceed fifteen per cent of the book value of the total assets of the company.

Limitation on investments in common shares.

(8) The total book value of the investments of a company in real estate or leaseholds for the production of income pursuant to this section shall not exceed ten per cent of the book value of the total assets of the company.

Limitation on investments in real estate for the production of income.

No loan to director or officer.

(9) A company shall not lend any of its funds to a director or officer of the company or to the wife or a child of a director or officer except, in the case of a company registered to transact the business of life insurance, upon the security of the company's own policies of life insurance; nor shall a company lend any of its funds to a corporation if more than one-half of the shares of the capital stock of the corporation are owned by a director or officer of the company or the wife or a child of a director or officer, or by any combination of such persons."

13. (1) Subsection (1) of section 64 of the said Act is repealed and the following substituted therefor:

Power to invest in stock of other insurance companies.

"**64.** (1) Notwithstanding anything in subsection (1) of section 63, a company, other than a company registered to transact the business of life insurance, may invest its funds in the fully paid shares of any other company transacting the business of insurance or of any corporation incorporated outside Canada and transacting the business of insurance, but no such investment shall be made if as a result thereof the total amount invested in such shares would exceed fifty per cent of the surplus of such company as shown in the most recent annual statement deposited in the Department as required by this Act and, subject to subsection (2), nothing in this section shall be deemed to affect the operation of subsection (7) of section 63."

(2) Section 64 of the said Act is further amended by adding thereto the following subsection:

Limitation.

"(3) Except as provided in this section, no such company shall invest in the shares of any other company or corporation transacting the business of insurance."

14. Subsection (2) of section 70 of the said Act is repealed and the following substituted therefor:

To be included in Superintendent's report.

"(2) The half-yearly statement mentioned in subsection (1) shall be embodied in summary form by the Superintendent in the annual report prepared by him for the Minister."

15. Section 79 of the said Act is repealed and the following substituted therefor:

Life insurance companies.

"**79.** (1) Subject to subsection (2), this Part applies to companies registered under this Act to transact only the business of life insurance and to companies so registered to transact the business of life and other insurance.

Limitation.

(2) Sections 82, 83, 84 and 85 apply to such companies only in respect of business that may be transacted under a certificate of registry to transact the business of life insurance."

16. (1) Paragraph (b) of subsection (1) of section 81 of the said Act is repealed and the following substituted therefor:

“(b) insurance against accidental death, accidental dismemberment or accidental loss of sight, in one eye or in both eyes, if included in a policy of life insurance and if the additional benefit payable in event of accidental death does not exceed twice the sum assured on the date of death payable in event of death from any cause and the benefit payable in event of accidental dismemberment or accidental loss of sight does not exceed that sum assured;”

Insurance against accidental death, accidental dismemberment or accidental loss of sight.

(2) Section 81 of the said Act is further amended by adding thereto the following subsections:

“(5) Where a company in the exercise of its powers issues policies such that the reserves therefor to be included in the annual statement pursuant to section 82 vary in amount depending upon the market value of a specified group of assets, the company shall maintain in respect of such policies one or more separate and distinct funds with separate assets for each such fund, and subsections (2) and (6) of section 46 shall not apply to any such fund maintained in respect of such policies.

Separate fund required.

(6) Where a separate and distinct fund with separate assets is maintained pursuant to subsection (5), the assets of the fund so maintained shall be available only to meet the liabilities arising under policies in respect of which that fund is maintained and shall not be liable for the payment of claims arising from any other policies; but any assets that remain in any such fund after the discharge of all of the company's liabilities in respect of the policies for which that fund is maintained, may be transferred to such other fund as the directors may determine.

Segregation of assets.

(7) Subject to subsection (8), where a separate and distinct fund with separate assets is maintained by a company, the percentage limits specified in subsections (4), (7) and (8) of section 63 apply to the investments and loans constituting the assets of the fund as if those assets were the total assets of the company.

Investment limitations.

(8) Where the policies in respect of which a separate and distinct fund with separate assets is maintained are such that the reserves therefor to be included in the annual statement pursuant to section 82 vary in amount depending upon the market value of the assets of the fund, the percentage limits specified in subsections (7) and (8) of section 63 do not apply to the investments and loans constituting the assets of the fund and in the application of those limits to the company as a whole the assets of any such separate fund shall not be taken into account.”

Exception.

17. Subsection (8) of section 82 of the said Act is repealed.

18. Subsection (2) of section 88 of the said Act is repealed and the following substituted therefor:

Approval of board of directors required.

“(2) No salary, compensation or emolument shall be paid to any officer or trustee of any company unless authorized by a vote of the directors, nor shall any salary, compensation or emolument amounting in any year to more than ten thousand dollars be paid to any agent or employee unless the contract under which such amount becomes payable has been approved by the board of directors.”

19. Section 90 of the said Act is amended by adding thereto immediately after subsection (3) thereof the following subsection:

Minister may shorten notice or inspection period.

“(3a) In any case where in the opinion of the Minister the interests of a group of policyholders affected by an agreement entered into pursuant to subsection (1) may be prejudiced by delay in the agreement becoming effective, he may shorten the period of thirty days referred to in paragraph (a) of subsection (3) and the like periods referred to in paragraphs (b) and (c) of subsection (3) to the extent that, in his view, the circumstances of the case warrant.”

20. Paragraph (b) of subsection (5) of section 103 of the said Act is repealed and the following substituted therefor:

“(b) upon such terms and conditions as the Board deems proper, limit a time within which the company shall make good the deficiency (the company's certificate of registry being continued in the meantime) and upon the company's failure to make good such deficiency within the time so limited, or within such extension of that time as may be authorized by the Board upon any subsequent report made to it by the Superintendent, its certificate of registry shall be withdrawn,”

21. Section 105 of the said Act is repealed and the following substituted therefor:

Limitation on dividends to shareholders.

“**105.** (1) Subject to the payment of preferential dividends in accordance with subsection (4) of section 103, and subject to subsection (2) of this section, a company shall not in any particular calendar year declare dividends to shareholders the aggregate amount of which exceeds seventy-five per cent of the average annual profits of the company for the three calendar years preceding that particular calendar year.

(2) This section does not apply to any company

Exception.

- (a) if the aggregate of its surplus and general or contingency reserves as shown in its most recent annual statement deposited in the Department as required by this Act equals or exceeds the reserves in respect of outstanding unmatured policies required to be included in the said statement in accordance with section 102, or
- (b) if the aggregate of its paid capital and the surplus and general or contingency reserves referred to in paragraph (a) equals or exceeds the reserves in respect of outstanding unmatured policies referred to in paragraph (a), and
- (i) the aggregate of the said surplus and general or contingency reserves is not less than five hundred thousand dollars, and
- (ii) the aggregate of the paid capital and the said surplus and general or contingency reserves is not less than one million five hundred thousand dollars.

(3) For the purposes of this section, the average annual profits of a company for the three calendar years referred to in subsection (1) shall be taken as one-third of the total profits of the company for that period, computed by adding the total dividends to shareholders declared during that period to the surplus and general or contingency reserves at the end of the period, and deducting from the sum thereof the surplus and general or contingency reserves at the beginning of the period, all as shown in the appropriate annual statements deposited in the Department as required by this Act."

"Profits" defined.

22. Section 107 of the said Act is repealed and the following substituted therefor:

"107. Any company registered under this Act to transact the business of fire insurance is, subject to the provisions of its Act of incorporation and upon compliance with the conditions of this Act other than in respect of an increase in deposit with the Minister, entitled to receive a certificate of registry for any one or more of the following classes of insurance limited to the insurance of the same property as is insured against the risk of fire under a policy of such company, namely: civil commotion insurance, earthquake insurance, falling aircraft insurance, hail insurance, impact by vehicles insurance, limited or inherent explosion insurance, sprinkler leakage insurance, water damage insurance, weather insurance and windstorm insurance."

Classes of insurance available without deposit.

23. Subsection (3) of section 115 is repealed and the following substituted therefor:

Company deemed insolvent where certificate withdrawn and not renewed.

“(3) Where the certificate of registry of any company has not been renewed on the expiry thereof by reason of the Superintendent having made a report to the Minister that, from the statement of affairs of the company, the company is not in a condition to meet its liabilities, or where the certificate of registry of any company has been withdrawn under section 103, section 110, section 111, section 113 or section 114, and has not been renewed within thirty days after such expiry or withdrawal, the company shall be deemed to be insolvent, and be subject to be wound up under the provisions of the *Winding-up Act*.”

24. Subsection (2) of section 134 of the said Act is repealed and the following substituted therefor:

To be included in Superintendent's report.

“(2) The statements so deposited shall be embodied in summary form by the Superintendent in the annual report prepared by him for the Minister.”

25. Sections 139 and 140 of the said Act are repealed and the following substituted therefor:

Application of sections in Part III to British companies.

“**139.** (1) Section 81, other than subsections (3), (7) and (8) thereof, and section 82 apply, *mutatis mutandis*, to every British company registered under this Part in respect of business in Canada that may be transacted under a certificate of registry to transact the business of life insurance and section 82 applies to every such company only in respect of the annual statement of its Canadian business required by this Act to be deposited in the Department.

Investment limitations.

(2) Subject to subsection (3), where a separate and distinct fund with separate assets is maintained by a British company with respect to any policies in Canada, the percentage limits specified in sections 4, 6 and 7 of the Second Schedule apply to the investments and loans constituting the assets in Canada of the fund as if those assets were the total assets in Canada of the Company.

Exception.

(3) Where the policies in respect of which a separate and distinct fund with separate assets is maintained are such that the reserves therefor to be included in the annual statement pursuant to section 82 vary in amount depending upon the market value of the assets of the fund, the percentage limits specified in sections 6 and 7 of the Second Schedule do not apply to the investments and loans constituting the assets in Canada of the fund and, in the application of those limits to the assets in Canada of the British company, the assets in Canada of any such separate fund shall not be taken into account.

140. The provisions of sections 141 to 143 apply to every British company registered under this Act to transact the business of insurance in respect of any class of such business other than business that may be transacted under a certificate of registry to transact the business of life insurance."

Special application of sections of this Part.

26. Subsection (1) of section 143 of the said Act is repealed and the following substituted therefor:

"143. (1) Any British company registered under this Act to transact the business of fire insurance is, upon compliance with the conditions of this Act other than in respect of an increase in deposit with the Minister, entitled to receive a certificate of registry for any one or more of the following classes of insurance limited to the insurance of the same property as is insured by the company against the risk of fire, namely: civil commotion insurance, earthquake insurance, falling aircraft insurance, hail insurance, impact by vehicles insurance, limited or inherent explosion insurance, sprinkler leakage insurance, water damage insurance, weather insurance and windstorm insurance, if such class or classes of insurance are authorized by its Act of incorporation or charter."

Classes of insurance available without deposit.

27. Section 149 of the said Act is amended by adding thereto, immediately after paragraph (a) thereof, the following paragraph:

"(aa) to any British company in respect of insurance against injury to persons or loss of or damage to property, or against liability for such injury, loss or damage, caused by nuclear energy, including ionizing radiation and contamination by radioactive substances, to the extent that, in any case, such insurance is, in the opinion of the Superintendent, not available within Canada,"

Insurance against nuclear hazards.

28. Section 155 of the said Act is repealed and the following substituted therefor:

"155. Sections 52 to 54, subsections (1), (3) and (4) of section 55, sections 56 to 78, section 81, other than subsection (3) thereof, sections 82, 85, 101, 102, subsections (1), (2) and (5) of section 103, section 104 and sections 107 to 115 apply, *mutatis mutandis*, to every provincial company, registered under this Part to transact any class or classes of insurance business, to the same extent as they are applicable to or in respect of a company registered to transact the same class or classes of insurance business under Part III, but, to the extent to which any provision of the said sections would effect an enlargement, in any

Application of provisions of Act to provincial companies.

respect, of the corporate powers or rights of any provincial company under its constating instrument, such provision shall not apply to the provincial company.”

29. (1) Paragraphs (h) and (i) of section 1 of the Second Schedule to the said Act are repealed and the following substituted therefor:

Bonds, etc.,
secured by
mortgage.

“(h) the bonds, debentures or other evidences of indebtedness of a Canadian corporation that are fully secured by a mortgage, charge or hypothec to a trustee or to the company upon any, or any combination, of the following assets:

- (i) real estate;
- (ii) the plant or equipment of a corporation that is used in the transaction of its business; or
- (iii) bonds, debentures or other evidences of indebtedness or shares, of a class specified in this Schedule as assets that may be vested in trust, or cash balances, if such bonds, debentures or other evidences of indebtedness, shares or cash balances are held by a trustee;

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class specified in this Schedule shall not render such bonds, debentures or other evidences of indebtedness ineligible as assets that may be vested in trust;

Equipment
trust
certificates.

(i) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada to be used on railways or public highways if the obligations or certificates are fully secured by

- (i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and
- (ii) a lease or conditional sale thereof by the trustee to the corporation;”

(2) Section 1 of the Second Schedule to the said Act is amended by adding thereto, immediately after paragraph (j) thereof, the following paragraph:

Guaranteed
investment
certificates.

“(ja) guaranteed investment certificates issued by a trust company incorporated in Canada that, at the date of vesting thereof in trust, complied with the requirements described in subparagraph (i) of paragraph (j) in respect of the payment of dividends;”

(3) Paragraph (m) of section 1 of the Second Schedule to the said Act is repealed and the following substituted therefor:

“(m) ground rents, mortgages or hypothecs on real estate in Canada, where the amount of the mortgage or hypothec together with the amount of indebtedness under any mortgage or hypothec ranking equally with or superior to the mortgage or hypothec that is vested in trust does not exceed two-thirds of the value of the real estate covered thereby;”

Real estate mortgages.

(4) Paragraphs (o) and (p) of section 1 of the Second Schedule to the said Act are repealed and the following substituted therefor:

“(o) real estate or leaseholds for the production of income in Canada, either alone or jointly with any other company registered under this Act, if

Real estate for the production of income.

(i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that, at the date of vesting thereof in trust, complied with the requirements described in subparagraph (i) of paragraph (j) in respect of the payment of dividends,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least eighty-five per cent of the amount invested by the company in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

(iii) the total investment of a company in any one parcel of real estate or in any one leasehold does not exceed one per cent of the accepted value of the total assets in Canada of the company;

(p) real estate in Canada required by the company for its actual use or occupation or reasonably required by it for the natural expansion of its business or acquired by foreclosure of a mortgage on real estate where the mortgage is vested in trust under this Act; or”

Real estate for use and occupancy, or acquired by foreclosure.

30. Paragraph (b) of section 2 of the Second Schedule to the said Act is repealed and the following substituted therefor:

“(b) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada, where the amount of the loan together with the amount of indebtedness under any mortgage or other charge on the real estate or interest therein ranking equally with or superior to the loan does not exceed two-thirds of the value of the real estate or interest therein, subject to the exception that a company that has real estate vested in trust may, upon sale

Real estate mortgages.

thereof, vest in trust a mortgage or other title accepted as part payment and secured thereon for more than two-thirds of the sale price of the real estate; or”

31. Section 3 of the Second Schedule to the said Act is repealed and the following substituted therefor:

Securities received on reorganization, liquidation or amalgamation.

“**3.** Where a company has vested in trust the securities of a corporation and as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation, the company acquires, in exchange for such securities, bonds, debentures or other evidences of indebtedness or shares not eligible under the foregoing provisions of this Schedule for vesting in trust, the bonds, debentures or other evidences of indebtedness or shares so acquired may be vested in trust for the purposes of this Act but only for a period of five years after their acquisition, or such further period as the Treasury Board may from time to time determine, unless it is shown to the satisfaction of the Treasury Board that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they have become eligible for vesting in trust under the foregoing provisions of this Schedule.”

32. Paragraph (iii) of section 4 of the Second Schedule to the said Act is repealed and the following substituted therefor:

Limitation.

“(iii) the total accepted value of the investments and loans vested in trust pursuant to this section, excluding those that are or at any time since vesting in trust have been eligible apart from this section, shall not exceed five per cent of the accepted value of the total assets in Canada of the company.”

33. Section 5 of the Second Schedule to the said Act is repealed and the following substituted therefor:

National Housing Acts.

“**5.** Notwithstanding the foregoing provisions of this Schedule, a company may vest in trust, loans and investments made pursuant to *The National Housing Act, 1938*, the *National Housing Act* and the *National Housing Act, 1954*.”

34. Section 7 of the Second Schedule to the said Act is repealed and the following substituted therefor:

Limitation on real estate for the production of income.

“**7.** The total accepted value of the real estate or leaseholds for the production of income, vested in trust under this Schedule, shall not at any time exceed ten per cent of the accepted value of the total assets in Canada of the company.”

35. Section 9 of the Second Schedule to the said Act is repealed.

36. (1) Division (A) of the Third Schedule to the said Act is amended by substituting for the tables of mortality specified therein the following:

- “(a) American Experience Table, Am Exp.
- (b) Institute of Actuaries of Great Britain, HM
- (c) British Offices Life Tables, 1893, OM⁽⁶⁾
- (d) Canadian Men Table, CM⁽⁶⁾
- (e) American Men Table, AM⁽⁶⁾
- (f) Mortality of Assured Lives, A 1924-29
- (g) Commissioners 1941 Standard Ordinary Mortality Table, 1941 CSO
- (h) Commissioners 1958 Standard Ordinary Mortality Table, 1958 CSO.”

(2) Division (C) of the Third Schedule to the said Act is repealed and the following substituted therefor:

“(C)—As respects life annuities (immediate or deferred), including life annuity settlements (other than disability annuities) arising out of life insurance policies.

The bases of valuation shall be an assumed rate of interest not exceeding four per cent per annum and one of the tables of mortality specified below, male or female, according to the sex of the nominee, or any other table of mortality that may be approved by the Superintendent.

Tables of Mortality.

- (a) Mortality of Annuitants, 1900-1920, *a(f)* and *a(m)*
- (b) 1937 Standard Annuity Table
- (c) The *a*-1949 Table (Annuity Table for 1949)
- (d) The *a(55)* Tables for Annuitants.

In the valuation of deferred annuities, the method of valuation shall be the net level premium method subject to such adaptations as the Superintendent may deem appropriate in any case where the premium for the policy may not be uniform throughout the premium paying period.”

(3) Division (D) of the Third Schedule to the said Act is repealed and the following substituted therefor:

“(D)—As respects future payments dependent on a term certain only, including term certain annuities arising out of life insurance policies.

The valuation shall be made at a rate of interest not exceeding four per cent per annum, and the method of valuation shall be the net level premium method subject to such adaptations as the Superintendent may deem appropriate in any case where the premium for the policy may not be uniform throughout the premium paying period.”

9 - 10 ELIZABETH II.

CHAP. 14

An Act to amend the Coastal Fisheries Protection Act.

[Assented to 29th March, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1952-53, c. 15.

1. Paragraph (a) of section 2 of the *Coastal Fisheries Protection Act* is repealed and the following substituted therefor:

- “(a) “Canadian fishing vessel” means a fishing vessel “Canadian fishing vessel.”
- (i) that is registered or licensed in Canada under the *Canada Shipping Act* and is owned by one or more persons each of whom is a Canadian citizen, a person resident and domiciled in Canada or a corporation incorporated under the laws of Canada or of a province, having its principal place of business in Canada, or
 - (ii) that is not required by the *Canada Shipping Act* to be registered or licensed in Canada and is not registered or licensed elsewhere but is owned as described in subparagraph (i);”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 15

An Act to amend the Fire Losses Replacement Account Act.

[Assented to 29th March, 1961.]

HER Majesty, by and with the advice and consent of ^{1953-54,}
the Senate and House of Commons of Canada, enacts ^{c. 28.}
as follows:

1. Subparagraph (ii) of paragraph (c) of section 2 of the *Fire Losses Replacement Account Act* is repealed and the following substituted therefor:

“(ii) a Crown corporation named in Schedule C or Schedule D to the *Financial Administration Act* and designated by regulation as a department for the purposes of this Act; and”

2. Paragraph (e) of section 9 of the said Act is repealed and the following substituted therefor:

“(e) requiring departments as defined in section 2 of the *Financial Administration Act*, Crown corporations named in Schedule C to that Act and such of the Crown corporations named in Schedule D to that Act as have been designated by regulation to be a department for the purposes of this Act to report to the Treasury Board all cases where any property under the administration or control of such departments and Crown corporations was lost, destroyed or damaged by or in consequence of a fire.”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

THE UNIVERSITY OF CHICAGO

1918

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
RECORDS OF THE DEPARTMENT OF CHEMISTRY
FOR THE YEAR 1918
PUBLISHED BY THE DEPARTMENT OF CHEMISTRY
CHICAGO, ILLINOIS
1919

9 - 10 ELIZABETH II.

CHAP. 16

An Act to amend the Foreign Insurance Companies Act.

[Assented to 29th March, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S. c. 125;
1956, c. 30.

1. Section 13 of the *Foreign Insurance Companies Act* is repealed and the following substituted therefor:

“**13.** Every fraternal benefit society registered under this Act to transact any class of insurance business shall at all times maintain assets in Canada of an amount at least equal to its liabilities to policyholders in Canada, including matured claims and the reserve for outstanding policies in Canada computed in accordance with subsection (2) of section 43, after deducting any claim the society has against such policies, together with its other liabilities in Canada.”

Assets to be maintained by fraternal benefit societies

2. Subsection (2) of section 26 of the said Act is repealed and the following substituted therefor:

“(2) The statements so deposited shall be embodied in summary form by the Superintendent in the annual report prepared by him for the Minister.”

To be included in Superintendent's report.

3. Section 36 of the said Act is repealed and the following substituted therefor:

“**36.** This Part applies to companies registered under this Act in respect of business in Canada that may be transacted under a certificate of registry to transact the business of life insurance.”

Life insurance companies.

4. (1) Paragraph (b) of subsection (2) of section 37 of the said Act is repealed and the following substituted therefor:

“(b) insurance against accidental death, accidental dismemberment or accidental loss of sight, in one eye or in both eyes, if included in a policy of life insurance and if the additional benefit payable in event of

Insurance against accidental death, accidental dismemberment or accidental loss of sight.

accidental death does not exceed twice the sum assured on the date of death payable in event of death from any cause and the benefit payable in event of accidental dismemberment or accidental loss of sight does not exceed that sum assured;”

(2) Section 37 of the said Act is further amended by adding thereto the following subsections:

Separate fund required.

“(5) If a company in the exercise of its powers issues policies in Canada such that the reserves therefor to be included in the annual statement pursuant to section 38 vary in amount depending upon the market value of a specified group of assets, the company shall maintain in respect of such policies one or more separate and distinct funds with separate assets for each such fund.

Segregation of assets.

(6) Where a separate and distinct fund with separate assets is maintained pursuant to subsection (5), the assets of the fund so maintained shall be available only to meet the liabilities arising under policies in respect of which such fund is maintained and shall not be liable for the payment of claims arising from any other policies.

Investment limitations.

(7) Subject to subsection (8), where a separate and distinct fund with separate assets is maintained by a company with respect to any policies in Canada, the percentage limits specified in sections 4, 6 and 7 of Schedule I apply to the investments and loans constituting the assets in Canada of the fund as if those assets were the total assets in Canada of the company.

Exception.

(8) Where the policies in respect of which a separate and distinct fund with separate assets is maintained are such that the liabilities therefor to be included in the annual statement pursuant to section 38 vary in amount depending upon the market value of the assets of the fund, the percentage limits specified in sections 6 and 7 of Schedule I do not apply to the assets in Canada constituting the assets of the fund and, in the application of those limits to the total assets in Canada of the company, the assets in Canada of any such separate fund shall not be taken into account.”

5. (1) Subsection (1) of section 43 of the said Act is repealed.

(2) Subsection (2) of section 43 of the said Act is repealed and the following substituted therefor:

Computation of liabilities.

“(2) For the purposes of sections 13 and 52, the liabilities of every fraternal benefit society to its policyholders in Canada shall include a reserve in respect of its outstanding policies in Canada based on such mortality and other tables as are, in the opinion of the Superintendent, appropriate, and a rate of interest not exceeding four per cent per annum.”

6. Subsection (1) of section 50 of the said Act is repealed and the following substituted therefor:

"50. (1) Any company registered under this Act to transact the business of fire insurance is, upon compliance with the conditions of this Act other than in respect of an increase in deposit with the Minister, entitled to receive a certificate of registry for any one or more of the following classes of insurance limited to the insurance of the same property as is insured by the company against the risk of fire, namely: civil commotion insurance, earthquake insurance, falling aircraft insurance, hail insurance, impact by vehicles insurance, limited or inherent explosion insurance, sprinkler leakage insurance, water damage insurance, weather insurance and windstorm insurance, if in the case of a company that is not an exchange such class or classes of insurance are authorized by its Act of incorporation or charter."

Classes of insurance available without deposit.

7. Section 52 of the said Act is repealed and the following substituted therefor:

"52. Where it appears from the annual statements or from an examination, made as provided by this Act, of the condition and affairs of any fraternal benefit society registered under this Act to transact any class or classes of insurance business, that its liabilities in respect of outstanding policies in Canada, including matured claims and a reserve computed in accordance with subsection (2) of section 43 after deducting any claim the society has against such policies, exceed its assets in Canada, the Minister shall notify the society, and request it to make good the deficiency, and in the event of its failure to make the same good within sixty days after being so requested, the Minister may withdraw its certificate of registry."

Withdrawal of certificate for deficiency of assets—fraternal benefit societies.

8. (1) Section 62 of the said Act is amended by adding thereto, immediately after paragraph (a) thereof, the following paragraph:

"(a) to any company in respect of insurance against injury to persons or loss of or damage to property, or against liability for such injury, loss or damage, caused by nuclear energy, including ionizing radiation and contamination by radioactive substances, to the extent that, in any case, such insurance is, in the opinion of the Superintendent, not available within Canada,"

Insurance of nuclear hazards.

(2) Paragraph (c) of section 62 of the said Act is repealed and the following substituted therefor:

"(c) to any company not registered under this Act, in respect of the collection or receipt of premiums on,

Policies issued by unregistered company to non-residents of Canada.

or other business relating to, any policy of life insurance issued to a person not resident in Canada at the time of the issue of such policy."

9. (1) Paragraphs (h) and (i) of section 1 of Schedule I to the said Act are repealed and the following substituted therefor:

Bonds, etc.
secured by
mortgage.

"(h) the bonds, debentures or other evidences of indebtedness of a Canadian corporation that are fully secured by a mortgage, charge or hypothec to a trustee or to the company upon any, or any combination, of the following assets:

- (i) real estate;
- (ii) the plant or equipment of a corporation that is used in the transaction of its business; or
- (iii) bonds, debentures or other evidences of indebtedness or shares, of a class specified in this Schedule as assets that may be vested in trust, or cash balances, if such bonds, debentures or other evidences of indebtedness, shares or cash balances are held by a trustee;

and the inclusion, as additional security under the mortgage, charge or hypothec, of any other assets not of a class specified in this Schedule shall not render such bonds, debentures or other evidences of indebtedness ineligible as assets that may be vested in trust;

Equipment
trust
certificates.

- (i) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada to be used on railways or public highways if the obligations or certificates are fully secured by
 - (i) an assignment of the transportation equipment to, or the ownership thereof by, the trustee, and
 - (ii) a lease or conditional sale thereof by the trustee to the corporation;"

(2) Section 1 of Schedule I to the said Act is further amended by adding thereto, immediately after paragraph (j) thereof, the following paragraph:

Guaranteed
investment
certificates.

"(ja) guaranteed investment certificates issued by a trust company incorporated in Canada that, at the date of vesting thereof in trust, complied with the requirements described in subparagraph (i) of paragraph (j) in respect of the payment of dividends;"

(3) Paragraph (m) of section 1 of Schedule I to the said Act is repealed and the following substituted therefor:

Real estate
mortgages.

"(m) ground rents, mortgages or hypothecs on real estate in Canada, where the amount of the mortgage or hypothec together with the amount of indebtedness

under any mortgage or hypothec ranking equally with or superior to the mortgage or hypothec that is vested in trust does not exceed two-thirds of the value of the real estate covered thereby;"

(4) Paragraphs (o) and (p) of section 1 of Schedule I to the said Act are repealed and the following substituted therefor:

"(o) real estate or leaseholds for the production of income in Canada, either alone or jointly with any other company registered under this Act, if

Real estate for the production of income.

(i) a lease of the real estate or leasehold is made to, or guaranteed by, a corporation that, at the date of the vesting thereof in trust, complied with the requirements described in subparagraph (i) of paragraph (j) in respect of the payment of dividends,

(ii) the lease provides for a net revenue sufficient to yield a reasonable interest return during the period of the lease and to repay at least eighty-five per cent of the amount invested by the company in the real estate or leasehold within the period of the lease but not exceeding thirty years from the date of investment, and

(iii) the total investment of a company in any one parcel of real estate or in any one leasehold does not exceed one per cent of the accepted value of the total assets in Canada of the company;

(p) real estate in Canada required by the company for its actual use or occupation or reasonably required by it for the natural expansion of its business or acquired by foreclosure of a mortgage on real estate where the mortgage is vested in trust under this Act; or"

Real estate for use and occupancy, or acquired by foreclosure.

10. Paragraph (b) of section 2 of Schedule I to the said Act is repealed and the following substituted therefor:

"(b) real estate or leaseholds for a term of years or other estate or interest in real estate in Canada, where the amount of the loan together with the amount of indebtedness under any mortgage or other charge on the real estate or interest therein ranking equally with or superior to the loan does not exceed two-thirds of the value of the real estate or interest therein, subject to the exception that a company that has real estate vested in trust may, upon sale thereof, vest in trust a mortgage or other title accepted as part payment and secured thereon for more than two-thirds of the sale price of the real estate; or"

Real estate mortgages.

11. Section 3 of Schedule I to the said Act is repealed and the following substituted therefor:

Securities received on reorganization, liquidation or amalgamation.

“**3.** Where a company has vested in trust the securities of a corporation and as a result of a *bona fide* arrangement for the reorganization or liquidation of the corporation or for the amalgamation of the corporation with another corporation, the company acquires, in exchange for such securities, bonds, debentures or other evidences of indebtedness or shares not eligible under the foregoing provisions of this Schedule for vesting in trust, the bonds, debentures or other evidences of indebtedness or shares so acquired may be vested in trust for the purposes of this Act but only for a period of five years after their acquisition, or such further period as the Treasury Board may from time to time determine, unless it is shown to the satisfaction of the Treasury Board that such bonds, debentures or other evidences of indebtedness or shares are not inferior in status or value to the securities for which they have been substituted or unless they have become eligible for vesting in trust under the foregoing provisions of this Schedule.”

12. Paragraph (c) of section 4 of Schedule I to the said Act is repealed and the following substituted therefor:

Limitation.

“(c) the total accepted value of the investments and loans vested in trust pursuant to this section, excluding those that are or at any time since vesting in trust have been eligible apart from this section, shall not exceed five per cent of the accepted value of the total assets in Canada of the company.”

13. Section 5 of Schedule I to the said Act is repealed and the following substituted therefor:

National Housing Acts.

“**5.** Notwithstanding the foregoing provisions of this Schedule, a company may vest in trust, loans and investments made pursuant to *The National Housing Act, 1938*, the *National Housing Act* and the *National Housing Act, 1954*.”

14. Section 7 of Schedule I to the said Act is repealed and the following substituted therefor:

Limitation on real estate for the production of income.

“**7.** The total accepted value of the real estate or leaseholds for the production of income, vested in trust under this Schedule, shall not at any time exceed ten per cent of the accepted value of the total assets in Canada of the company.”

15. Section 9 of Schedule I to the said Act is repealed.

16. Section 7 of Schedule II to the said Act is repealed.

17. (1) Division (A) of the Annex to Schedule II to the said Act is amended by substituting for the tables of mortality specified therein the following:

- “(a) American Experience Table, Am Exp.
 (b) Institute of Actuaries of Great Britain, HM
 (c) British Offices Life Tables, 1893, OM⁽⁵⁾
 (d) Canadian Men Table, CM⁽⁵⁾
 (e) American Men Table, AM⁽⁵⁾
 (f) Mortality of Assured Lives, A 1924-29
 (g) Commissioners 1941 Standard Ordinary Mortality Table, 1941 CSO
 (h) Commissioners 1958 Standard Ordinary Mortality Table, 1958 CSO.”

(2) Division (C) of the Annex to Schedule II to the said Act is repealed and the following substituted therefor:

“(C)—As respects life annuities (immediate or deferred), including life annuity settlements (other than disability annuities) arising out of life insurance policies.

The bases of valuation shall be an assumed rate of interest not exceeding four per cent per annum and one of the tables of mortality specified below, male or female, according to the sex of the nominee, or any other table of mortality that may be approved by the Superintendent.

Tables of Mortality.

- (a) Mortality of Annuitants, 1900-1920, a(f) and a(m)
 (b) 1937 Standard Annuity Table
 (c) The a-1949 Table (Annuity Table for 1949)
 (d) The a(55) Tables for Annuitants.

In the valuation of deferred annuities, the method of valuation shall be the net level premium method subject to such adaptations as the Superintendent may deem appropriate in any case where the premium for the policy may not be uniform throughout the premium paying period.”

(3) Division (D) of the Annex to Schedule II to the said Act is repealed and the following substituted therefor:

“(D)—As respects future payments dependent on a term certain only, including term certain annuities arising out of life insurance policies.

The valuation shall be made at a rate of interest not exceeding four per cent per annum, and the method of valuation shall be the net level premium method subject to such adaptations as the Superintendent may deem appropriate in any case where the premium for the policy may not be uniform throughout the premium paying period.”

9 - 10 ELIZABETH II.

CHAP. 17

An Act to amend the Income Tax Act.

[Assented to 29th March, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 148;
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54,
55; 1956, c. 39;
1957, c. 29;
1957-58, c. 17;
1958, c. 32;
1959, c. 45;
1960, c. 43.

1. Section 7 of the *Income Tax Act* is amended by adding thereto the following subsections:

“(2) Where, in the case of a bond, debenture, bill, note, mortgage, hypothec or similar obligation issued after December 20, 1960 by a person exempt from tax under section 62, a non-resident person not carrying on business in Canada, or a government, municipality or municipal or other public body performing a function of government,

Obligation
issued at
discount.

- (a) the obligation was issued for an amount that is less than the principal amount thereof;
- (b) the interest stipulated to be payable on the obligation, expressed in terms of an annual rate on
 - (i) the principal amount thereof, if no amount is payable on account of the principal amount before the maturity of the obligation, or
 - (ii) the amount outstanding from time to time as or on account of the principal amount thereof, in any other case,

- is less than 5%; and
- (c) the yield from the obligation, expressed in terms of an annual rate on the amount for which the obligation was issued (which annual rate shall, if the terms of the obligation or any agreement relating thereto conferred upon the holder thereof a right to demand payment of the principal amount of the obligation or the amount outstanding as or on account of the principal amount thereof, as the case may be, before the maturity of the obligation, be calculated on the basis of the yield that produces the highest such annual rate obtainable conditional upon the exercise of any such right) exceeds the annual rate determined under paragraph (b) by more than $\frac{1}{3}$ thereof;

the amount by which the principal amount of the obligation exceeds the amount for which the obligation was issued shall be included in computing the income of the first owner of the obligation who is a resident of Canada and is not a person exempt from tax under section 62 or a government, for the taxation year of the owner of the obligation in which he became the owner thereof.

“Principal amount” defined.

(3) In subsection (2), “principal amount” in relation to any obligation means the amount that, under the terms of the obligation or any agreement relating thereto, is the maximum amount or maximum aggregate amount, as the case may be, payable on account of the obligation by the issuer thereof, otherwise than as or on account of interest or as or on account of any premium payable by the issuer conditional upon the exercise by the issuer of a right to redeem the obligation before the maturity thereof.

Application.

(4) Subsection (1) does not apply in any case where subsection (2) applies.”

2. (1) Subsection (1) of section 11 of the said Act is amended by adding thereto, immediately after paragraph (qa) thereof, the following paragraph:

Tuition fees of students.

“(qb) where a taxpayer was during the year a student in full-time attendance at a university in a course leading to a degree, or in full-time attendance at a college or other educational institution in Canada in a course at a post-secondary school level, the amount of any fees for his tuition paid to the university, college or other educational institution in respect of a period not exceeding 12 months commencing in the year and not included in the calculation of a deduction under this paragraph for a previous year (except any such fees paid in respect of a course of less than 13 consecutive weeks’ duration);”

(2) This section is applicable to the 1961 and subsequent taxation years.

3. (1) All that portion of subsection (3) of section 32 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Tax on investment income from sources outside Canada.

“(3) There shall be added to the tax of each individual computed under subsection (1) for each year an amount equal to 4% of the amount by which the taxpayer’s investment income from sources outside Canada for the year exceeds the greater of”

(2) Subsection (4) of section 32 of the said Act is repealed and the following substituted therefor:

“Investment income from sources outside Canada” defined.

“(4) For the purpose of this section, “investment income from sources outside Canada” means the lesser of

(a) the income for the taxation year minus the aggregate of the earned income for the year and the amounts deductible from income under paragraphs (a), (b), (c), (ca) and (d) of subsection (1) of section 27, or

(b) the income from sources outside Canada for the taxation year, computed before deducting any amount deductible in computing the earned income for the year, minus such part of the income from sources outside Canada for the year as is included in computing the earned income for the year."

(3) Subsections (6) and (7) of section 32 of the said Act are repealed.

(4) This section is applicable to the 1961 and subsequent taxation years.

4. All that portion of subsection (1) of section 35 of the said Act immediately preceding paragraph (a) thereof is repealed and the following substituted therefor:

"35. (1) Where a part of a payment is required by subsection (1) of section 7 to be included in computing the income of a taxpayer resident in Canada for a taxation year and it may reasonably be regarded as a payment of interest in respect of a period of not less than three years, the amount thereof may, at the option of the taxpayer, be deemed not to be income of the taxpayer for the purposes of this Part, in which case the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount thereof equal to the portion thereof that"

Part
payments.

5. (1) Paragraphs (a) and (b) of subsection (1) of section 39 of the said Act are repealed and the following substituted therefor:

"(a) 18% of the amount taxable, if the amount taxable does not exceed \$35,000, and

(b) \$6,300 plus 47% of the amount by which the amount taxable exceeds \$35,000, if the amount taxable exceeds \$35,000."

(2) All that portion of subsection (3) of section 39 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"(3) Notwithstanding subsection (2), if all of the corporations of a group that are associated with each other in a taxation year have filed with the Minister in prescribed form an agreement whereby, for the purposes of this section,

Idem.

they allocate an amount to one or more of them for the taxation year and the amount so allocated or the aggregate of the amounts so allocated, as the case may be, is \$35,000, the tax payable by each of the corporations under this Part upon its amount taxable for the year is, except where otherwise provided by another section, the aggregate of”

(3) Subsection (3a) of section 39 of the said Act is repealed and the following substituted therefor:

Idem.

“(3a) If any of the corporations of a group that are associated with each other in a taxation year has failed to file with the Minister an agreement as contemplated by subsection (3) within 30 days after notice in writing by the Minister has been forwarded to any of them that such an agreement is required for the purpose of any assessment of tax under this Part, the Minister shall, for the purposes of this section, allocate an amount to one or more of them for the taxation year, which amount or the aggregate of which amounts, as the case may be, shall equal \$35,000, and, in any such case, notwithstanding subsection (2) the tax payable by each of the corporations under this Part upon its amount taxable for the year is, except where otherwise provided by another section, such amount as would have been payable under subsection (3) if the allocation so made by the Minister had been made pursuant to an agreement filed with the Minister as contemplated by subsection (3).”

(4) This section and section 8 are applicable to the 1961 and subsequent taxation years, but where a corporation has a taxation year part of which is before and part of which is after the commencement of 1961, the tax payable by the corporation under Part I of the said Act for that taxation year is the aggregate of

- (a) that proportion of the tax computed under Part I of the said Act as it was before being amended by this section and section 8 that the number of days in that portion of the taxation year that is in 1960 is of the number of days in the whole taxation year, and
- (b) that proportion of the tax computed under Part I of the said Act as amended by this section and section 8 that the number of days in that portion of the taxation year that is in 1961 is of the number of days in the whole taxation year.

6. (1) Paragraph (q) of subsection (1) of section 62 of the said Act is repealed and the following substituted therefor:

“(q) a trust or corporation established or incorporated solely in connection with, or for the administration of, a registered pension fund or plan, not less than 90% of the income of which for the period was from sources in Canada;”

Pension trust
or corpora-
tion.

(2) Section 62 of the said Act is further amended by adding thereto the following subsection:

“(6) In computing the income of a trust or corporation for the purpose of determining whether it is a trust or corporation described in paragraph (q) of subsection (1) for a taxation year, contributions to or under the fund or plan in connection with which or for the administration of which the trust or corporation was established or incorporated shall not be included.”

Contributions
to or under
registered
pension fund
or plan not
included.

(3) This section is applicable to taxation years commencing in 1961 and subsequent taxation years, except that

(a) in the case of a trust or corporation less than 90% but not less than 80% of the income of which for its taxation year commencing in 1960 was from sources in Canada, the expression “90%” in paragraph (q) of subsection (1) of section 62 of the said Act as enacted by this section shall, in its application to the taxation years of the trust or corporation commencing in 1961 and 1962, be read as “80%”; and

(b) in the case of a trust or corporation less than 80% of the income of which for its taxation year commencing in 1960 was from sources in Canada, the expression “90%” in paragraph (q) of subsection (1) of section 62 of the said Act as enacted by this section shall, in its application to the taxation year of the trust or corporation commencing in 1961, be read as “70%” and in its application to the taxation year of the trust or corporation commencing in 1962, be read as “80%”.

7. (1) Paragraph (ba) of subsection (2) of section 69 of the said Act is repealed and the following substituted therefor:

“(ba) not less than 85% of its gross revenue for the year was from sources in Canada,

(bb) not more than 25% of its gross revenue for the year was from interest,”

(2) This section is applicable to taxation years commencing in 1961 and subsequent taxation years, except that

- (a) in the case of a corporation less than 85% but not less than 75% of the gross revenue of which for its taxation year commencing in 1960 was from sources in Canada, the expression "85%" in paragraph (ba) of subsection (2) of section 69 of the said Act as enacted by this section shall, in its application to the taxation years of the corporation commencing in 1961 and 1962, be read as "75%";
- (b) in the case of a corporation less than 75% of the gross revenue of which for its taxation year commencing in 1960 was from sources in Canada, the expression "85%" in paragraph (ba) of subsection (2) of section 69 of the said Act as enacted by this section shall, in its application to the taxation year of the corporation commencing in 1961, be read as "60%" and in its application to the taxation year of the corporation commencing in 1962, be read as "75%";
- (c) in the case of a corporation more than 25% but not more than 30% of the gross revenue of which for its taxation year commencing in 1960 was from interest, the expression "25%" in paragraph (bb) of subsection (2) of section 69 of the said Act as enacted by this section shall, in its application to the taxation years of the corporation commencing in 1961 and 1962, be read as "30%"; and
- (d) in the case of a corporation more than 30% of the gross revenue of which for its taxation year commencing in 1960 was from interest, the expression "25%" in paragraph (bb) of subsection (2) of section 69 of the said Act as enacted by this section shall, in its application to the taxation year of the corporation commencing in 1961, be read as "40%" and in its application to the taxation year of the corporation commencing in 1962, be read as "30%".

S. (1) Paragraphs (a), (b) and (c) of subsection (3) of section 85 of the said Act are repealed and the following substituted therefor:

- "(a) the lesser of \$6,300 or 18% of the corporation's taxable income for the year,
- (b) 47% of
 - (i) the corporation's class B taxable income for the year,
 - minus
 - (ii) \$35,000, and

- (c) 45% of
- (i) the corporation's class A taxable income for the year,
- minus
- (ii) the amount, if any, by which the corporation's class B taxable income for the year is less than \$35,000."

(2) Subsection (7) of section 85 of the said Act is repealed and the following substituted therefor:

"(7) Where a designated corporation is one of a group of corporations that have filed with the Minister for a taxation year an agreement under subsection (3) of section 39 or one of a group of corporations in respect of which the Minister has allocated an amount for a taxation year under subsection (3a) of section 39, there may be deducted from the tax for the year computed under subsection (3) or (3a), as the case may be, of section 39 the amount determined by applying subsection (3) of this section *mutatis mutandis* and, for that purpose, there shall be substituted for the amount of \$35,000 where it appears in paragraphs (b) and (c) of subsection (3), the amount allocated to the corporation by the agreement or by the Minister, as the case may be, and there shall be substituted for the amount of \$6,300 where it appears in paragraph (a) of subsection (3) an amount equal to 18% of the amount so allocated to it."

Associated
corporations.

9. (1) Subparagraphs (ii) and (iii) of paragraph (b) of subsection (1) of section 106 of the said Act are repealed and the following substituted therefor:

- "(ii) interest payable on
- (A) bonds of or guaranteed by the Government of Canada issued on or before December 20, 1960, or
 - (B) bonds of or guaranteed by the Government of Canada issued after December 20, 1960, the interest on which is payable to the government or central bank of a country other than Canada or to any international organization or agency prescribed by regulation, and
- (iii) interest payable in a currency other than Canadian currency to a person with whom the payer is dealing at arm's length, on
- (A) any obligation where the evidence of indebtedness was issued on or before December 20, 1960,
 - (B) any obligation where the evidence of indebtedness was issued after December 20,

1960, if the obligation was entered into under an agreement in writing made on or before that day, under which the obligee undertook to advance, on or before a specified day, a specified amount at a specified rate of interest or a rate of interest to be determined as provided in the agreement, to the extent that the interest payable on the obligation is payable

1. in respect of a period ending not later than the earliest day on which, under the terms of the obligation determined as of the time it was entered into, the obligee would be entitled to demand payment of the principal amount of the obligation or the amount outstanding as or on account of the principal amount thereof, as the case may be, if the terms of the obligation determined as of that time provided for such payment on or after a specified day, or
 2. in respect of a period ending not later than one year after the time the obligation was entered into, in any other case,
- (C) any bond, debenture or similar obligation issued after December 20, 1960, for the issue of which arrangements were made on or before that day with a dealer in securities, if the existence of the arrangements for the issue of the bond, debenture or similar obligation can be established by evidence in writing given or made on or before that day,
- (D) any debt owing by a bank to which the *Bank Act* applies, as or on account of an amount deposited with that bank that is not repayable in Canadian currency, or
- (E) any obligation entered into in the course of carrying on a business in a country other than Canada,
- (for the purpose of this subparagraph, interest expressed to be computed by reference to Canadian currency shall be deemed to be payable in Canadian currency);”

(2) Paragraph (b) of subsection (3) of section 106 of the said Act is repealed.

(3) Section 106 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsections:

“(3a) Paragraph (a) of subsection (3) does not apply to interest on any bond or other obligation described therein that was issued after December 20, 1960, except any such bond or other obligation for the issue of which arrangements were made on or before that day with a dealer in securities, if the existence of the arrangements for the issue of the bond or other obligation can be established by evidence in writing given or made on or before that day.

Application of paragraph (a) of subsection (3).

(3b) For the purposes of this Part, where any bond was issued after December 20, 1960 in exchange for a bond issued on or before that day, it shall, if the terms on which the bond for which it was exchanged was issued conferred upon the holder thereof the right to make the exchange, be deemed to have been issued on or before December 20, 1960.”

Bonds issued after December 20, 1960 in exchange for earlier bonds.

(4) Subsection (1) is applicable in respect of interest paid or credited after December 20, 1960, and subsection (2) is applicable in respect of dividends paid or credited after December 20, 1960.

10. Notwithstanding anything in *The Canada-United States of America Tax Convention Act, 1943* or the Convention and Protocol set out in the Schedule thereto, every non-resident corporation organized under the laws of the United States of America or of a political subdivision thereof shall pay a tax as provided in Part III of the *Income Tax Act* on every amount that a person resident in Canada pays or credits, or is deemed by Part I of the *Income Tax Act* to pay or credit, to the corporation after December 20, 1960 as, on account or in lieu of payment of, or in satisfaction of, a dividend other than a dividend described in subparagraph (i) or (ii) of paragraph (a) of subsection (1) of section 106 of the *Income Tax Act*.

11. Subsection (3) of section 108 of the said Act is repealed and the following substituted therefor:

“(3) Where subsection (1) of section 7 would, if Part I were applicable, require a part of a payment to be included in computing the recipient's income because it can reasonably be regarded as a payment of interest, that part of the payment shall, for the purpose of this Part, be deemed to have been a payment of interest.

Income and capital combined.

(3a) Where a person resident in Canada has, at any time after March 16, 1961, sold to a non-resident person a treasury bill issued by Her Majesty in right of Canada or a province, that proportion of the amount by which

Sale of treasury bills.

(a) the amount payable on the maturity of the bill, exceeds

- (b) the price for which the bill was sold by the issuer (or if more than one such bill was included in the same issue, the product obtained by multiplying the average price per \$100 for which the bills so included were sold by the issuer by the number of multiples of \$100 in the amount mentioned in paragraph (a)),
that
- (c) the number of days in the period commencing with the day the bill was issued and ending with the day of its maturity that were after the day the bill was sold to the non-resident person,
is of

(d) the number of days in the whole of that period, shall, for the purpose of this Part, be deemed to be a payment of interest made by the person resident in Canada to the non-resident person at the time of the sale of the bill to the non-resident person, except that where it is established that, at any subsequent time before the maturity of the bill, the non-resident person has sold the bill to a person resident in Canada, the amount of the tax under this Part that the non-resident person is liable to pay in respect thereof shall be deemed, for the purpose of subsection (7) of section 123, to be that proportion of the tax that he would otherwise have been liable to pay in respect thereof that the number of days in the period commencing with the day the bill was sold to him and ending with the day the bill was sold by him is of the number determined under paragraph (c).

Idem.

(3b) Subsection (3) does not apply in respect of a payment to a non-resident person under any obligation in respect of which that person is liable to pay tax under this Part by virtue of subsection (3a)."

12. (1) The said Act is further amended by adding thereto, immediately after section 110A thereof, the following heading and Part:

"PART IIIA.

ADDITIONAL TAX ON NON-RESIDENT CORPORATIONS CARRYING ON BUSINESS IN CANADA.

Additional
tax.

110B. (1) Every non-resident corporation carrying on business in Canada at any time in a taxation year shall, on or before the day on or before which it is required to file a return of income under Part I for the year, pay a tax equal to 15% of the amount by which

(a) its taxable income earned in Canada for the year determined in accordance with Division D of Part I, exceeds

(b) the aggregate of

- (i) the tax payable by it under Part I for the year,
- (ii) any income taxes payable by it to the government of a province in respect of the year, to the extent that such taxes were not deductible under Part I in computing its income for the year from the businesses carried on by it in Canada, and
- (iii) such amount as an allowance in respect of net increases in its capital investment in property in Canada as is allowed by regulation.

(2) No tax is payable under this Part for a taxation year by a non-resident corporation that was, throughout the year,

Exempt corporations.

(a) a bank,

(b) an insurance corporation,

(c) a corporation whose principal business was

- (i) the transportation of persons or goods, or
- (ii) communications,

(d) a corporation that was incorporated before the 1st day of July, 1867 for the purpose of carrying on trade in any province or territory now comprised in Canada and that has been carrying on trade in Canada without interruption since that day, or

(e) a corporation exempt from tax under section 62.

(3) Sections 44 to 61, except sections 47, 48, 49 and 53, are applicable *mutatis mutandis* to this Part."

(2) This section is applicable to the 1961 and subsequent taxation years, but where a corporation has a taxation year part of which is before and part of which is after the commencement of 1961, the tax payable by the corporation for that taxation year under Part IIIA of the said Act as enacted by this section is that proportion of the tax computed under Part IIIA of the said Act as enacted by this section that the number of days in that portion of the taxation year that is in 1961 is of the number of days in the whole taxation year.

13. The said Act is further amended by adding thereto, immediately after section 132 thereof, the following section:

"**132A.** (1) In this section, "taxable obligation" means any bond, debenture or similar obligation the interest on which would, if paid by the issuer to a non-resident person, be subject to the payment of tax under Part III by that non-resident person at the rate of 15%.

"Taxable obligation" defined.

Interest
coupon
to be
identified in
prescribed
manner.

(2) Every person who, at any time after the coming into force of this section, issues any taxable obligation the right to interest on which is evidenced by a coupon or other writing that does not form part of, or is capable of being detached from, the evidence of indebtedness under the taxable obligation is, unless the coupon or other writing is marked or identified in prescribed manner by the letters "TX" on the face thereof, guilty of an offence and liable on summary conviction to a fine not exceeding \$500."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 18

An Act to amend the Tariff Board Act.

[Assented to 29th March, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., cc. 261,
336;
1955, c. 55;
1956, c. 15.

1. (1) Subsections (1) and (2) of section 3 of the *Tariff Board Act* are repealed and the following substituted therefor:

1956, c. 15,
s. 1(1).

"3. (1) There shall be a Board, to be called the Tariff Board, consisting of seven members appointed by the Governor in Council.

Constitution
of Board.

(2) The Governor in Council shall appoint

Chairman
and Vice-
Chairmen.

(a) one of the members to be Chairman,

(b) one of the members to be first Vice-Chairman, and

(c) one of the members to be second Vice-Chairman,

and the Chairman shall preside at any sittings of the Board at which he is present and shall designate one of the Vice-Chairmen or other members to preside at any sittings of the Board at which he is not present."

(2) Subsection (8) of section 3 of the said Act is repealed and the following substituted therefor:

1956, c. 15,
s. 1(2).

"(8) With respect to an appeal to the Board under the provisions of the *Customs Act* or *Excise Tax Act* three or more members have and may exercise and perform all the powers and functions of the Board."

Appeals under
Customs Act
or *Excise
Tax Act*.

(3) Section 3 of the said Act is further amended by adding thereto the following subsection:

"(10) If the Chairman is absent or is unable to act or if the office is vacant, the first Vice-Chairman has and may exercise and perform all the powers and functions of the Chairman, and if the Chairman and the first Vice-Chairman are absent or are unable to act or if those offices are vacant, the second Vice-Chairman has and may exercise and perform all the powers and functions of the Chairman."

Duties of
Vice-
Chairmen.

2. (1) Subsections (7) and (8) of section 5 of the said Act are repealed and the following substituted therefor:

Inquiry made
by one or
more
members.

“(7) The Chairman may direct that any inquiry under section 4 may be made by any member or members of the Board designated by him and for the purposes of such inquiry the member or members so designated have and may exercise and perform all the powers and functions of the Board.

Authority
to administer
oaths.

(8) Each member may administer oaths and take and receive affidavits, declarations and affirmations for any of the purposes of this Act or the regulations.”

(2) Subsection (13) of section 5 of the said Act is repealed and the following substituted therefor:

Appeals under
other Acts.

“(13) This section, except subsections (3) and (7), applies in respect of an appeal to the Board pursuant to any other Act or regulations thereunder as if the appeal were an inquiry within the meaning of this Act.”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 19

An Act to Implement a Convention between Canada and the United States of America for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on the Estates of Deceased Persons.

[Assented to 1st June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- 1.** This Act may be cited as the *Canada-United States of America Estate Tax Convention Act, 1961.* Short title.
- 2.** The Convention entered into between Canada and the United States of America, set out in the Schedule, is approved and declared to have the force of law in Canada. Convention approved.
- 3.** In the event of any inconsistency between the provisions of this Act, or the Convention, and the operation of any other law, the provisions of this Act and the Convention prevail to the extent of the inconsistency. Inconsistent laws.
- 4.** The Minister of National Revenue may make such orders and regulations as are, in his opinion, necessary for the purpose of carrying out the Convention or for giving effect to any of the provisions thereof. Orders and regulations.
- 5.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council, and shall continue in force until a day to be fixed by proclamation of the Governor in Council following the termination of the Convention, and no longer. Commencement and duration.

SCHEDULE.

CONVENTION BETWEEN THE GOVERNMENT OF CANADA AND THE GOVERNMENT OF THE UNITED STATES OF AMERICA FOR THE AVOIDANCE OF DOUBLE TAXATION AND THE PREVENTION OF FISCAL EVASION WITH RESPECT TO TAXES ON THE ESTATES OF DECEASED PERSONS.

The Government of Canada and the Government of the United States of America, desiring to conclude a convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on the estates of deceased persons, agree as follows:

ARTICLE I.

1. The taxes referred to in this Convention are:

- (a) for the United States of America: the Federal estate tax;
- (b) for Canada: the estate tax imposed by the Government of Canada.

2. The present Convention shall also apply to any other taxes of a substantially similar character imposed by either contracting State subsequent to the date of signature of the present Convention.

ARTICLE II.

Where a person dies a citizen of the United States of America or domiciled in Canada or the United States of America, the situs of any rights or interests, legal or equitable, in or over any of the following classes of property, which for the purposes of tax form or are deemed to form part of the estate of such person or pass or are deemed to pass on his death, shall, for the purposes of the imposition of tax on the basis of situs of property within the taxing State and for the purposes of the credit to be allowed under Article V, be determined exclusively in accordance with the following rules, but in cases not within such rules the situs of such rights or interests shall be determined for these purposes in accordance with the laws in force in the other contracting State:

- (a) immovable property (except any right or interest therein by way of security) shall be deemed to be situated at the place where such property is located;
- (b) tangible movable property (except any right or interest therein by way of security and except any tangible movable property for which specific provision is made in any subsequent paragraph of this Article), and, in any case, bank or currency notes and other forms of currency recognized as legal tender in the place of issue, shall be deemed to be situated at the place where such property was located at the time of death, or, if in course of transit at that time, at the place of intended destination;

- (c) debts whether secured or unsecured and whether under seal or otherwise (including bills of exchange and promissory notes, whether negotiable or otherwise, but not including any form of indebtedness for which specific provision is made in any subsequent paragraph of this Article), shall be deemed to be situated at the place where the debtor was ordinarily resident at the time of death, or, where the debtor is a company, then at the place where the company is incorporated;
- (d) deposit accounts with a bank, trust company, loan company or other similar institution shall be deemed to be situated at the place where the institution or branch thereof in which the account was kept is located;
- (e) securities of or guaranteed by any government or municipality shall be deemed to be situated,
 - (i) if in bearer form, at the place where located at the time of death, or
 - (ii) if inscribed or registered, at the place where inscribed or registered by the issuer;
- (f) shares, stock, bonds, debentures, and debenture stock of a company, and rights to subscribe for or purchase shares or stock of a company (including any such property held by a nominee, whether the beneficial ownership is evidenced by scrip certificates or otherwise) shall be deemed to be situated at the place where the company is incorporated;
- (g) money deposited to the credit of the deceased with an insurance company, money payable under a policy of insurance effected on the life of the deceased or payable under an annuity contract in respect of the death of the deceased, and any policy of insurance or annuity contract in which the deceased had an interest shall be deemed to be situated at the place where the deceased was domiciled at the time of his death;
- (h) shares in a partnership shall be deemed to be situated at the place where its business is principally carried on;
- (i) ships and aircraft and shares thereof shall be deemed to be situated at the place of registration of the ship or aircraft;
- (j) good-will of a business, trade or profession shall be deemed to be situated at the place where the business, trade or profession is principally carried on;
- (k) patents, trade-marks and designs shall be deemed to be situated at the place where they are registered;
- (l) copyright, franchises, and rights or licenses to use any copyrighted material, patent, trade-mark or design shall be deemed to be situated at the place where the rights arising therefrom are exercisable;

- (m) rights *ex delicto* or causes of action *ex delicto* surviving to the benefit of the estate of any deceased or his legal representative shall be deemed to be situated at the place where such rights or causes of action arose, and other rights or causes of action so surviving shall be deemed to be situated at the place where, at the time of the death of the deceased, the person against whom the right or cause of action is enforceable was ordinarily resident, or, if a company, then at the place where the company is incorporated;
- (n) judgment debts shall be deemed to be situated at the place where the judgment is recorded; and
- (o) superannuation and pension benefits payable or granted on or after the death of the deceased in respect thereof shall be deemed to be situated at the place where the deceased was domiciled at the time of his death;

provided that this Article shall not be construed so as to increase the tax imposed by either contracting State.

ARTICLE III.

1. Allowance for debts shall be determined in accordance with the laws of the contracting State imposing the tax.

2. Where a contracting State imposes tax by reason of a decedent being domiciled therein or being a citizen thereof, no distinction shall be made between organizations created in that State and organizations created in the other contracting State in the allowance of any deduction authorized by its statute for a bequest, legacy, devise, or transfer made for exclusively religious, charitable, scientific, literary, or educational purposes.

3. Domicile shall be determined in accordance with the laws of the contracting State imposing the tax on the basis of domicile.

ARTICLE IV.

1. Where the United States imposes tax solely by reason of the property being situated therein, the United States shall, if the decedent was domiciled in Canada,

- (a) for the purpose of determining the tax rate or rates, take into account only property situated in the United States, and
- (b) exempt from tax property situated in the United States where the taxable estate before the allowance of a specific exemption does not exceed \$15,000.00, but if such estate exceeds \$15,000.00 the amount of the tax shall be the lesser of (1) the amount by which such estate exceeds \$15,000.00, or, (2) the tax computed after allowance of a specific exemption of \$2,000.00.

2. Where Canada imposes tax solely by reason of the property being situated therein, Canada shall, if the decedent was a citizen of or domiciled in the United States,

- (a) for the purpose of computing the tax apply a rate not to exceed 15% in respect of the property situated in Canada, and
- (b) exempt from tax property situated in Canada where the aggregate value thereof does not exceed \$15,000.00, but if the aggregate value exceeds \$15,000.00 the amount of the tax shall not be greater than the amount by which the aggregate value exceeds \$15,000.00.

ARTICLE V.

1. Where either contracting State imposes tax by reason of a decedent being domiciled therein or being a citizen thereof, that contracting State shall allow against so much of its tax (as otherwise computed) as is attributable to property situated in the other contracting State a credit (not exceeding the amount of the tax so attributable) equal to so much of the tax imposed by the other contracting State as is attributable to such property.

2. Where each contracting State imposes tax on any property situated outside both contracting States or in both contracting States, each contracting State shall allow against so much of its tax (as otherwise computed) as is attributable to such property a credit which bears the same proportion to the amount of its tax so attributable or to the amount of the other contracting State's tax attributable to the same property, whichever is the lesser, as the former amount bears to the sum of both amounts.

3. For the purpose of computing credit under this Article, the amount of the tax of the crediting State attributable to particular property shall be ascertained after taking into account any credit against or reduction of such part of the tax, except credit authorized under this Article or statutory credit in lieu thereof and except, in respect of the credit allowed by Canada, the deduction from tax authorized by subsection 4 of Section 9 of the Canadian Estate Tax Act. The amount of the tax of the other contracting State attributable to such property shall be ascertained after taking into account any credit against or reduction of such part of the tax, except credit authorized under this Article or statutory credit in lieu thereof, and except credit allowed with respect to death taxes of a political subdivision of such State.

ARTICLE VI.

1. Any claim for a credit or for a refund of tax founded on the provisions of this Convention shall be made

- (a) within the time limited for the making of a refund of tax by the law of the State to which the claim is made, or

(b) within six years from the date of the death of the decedent in respect of whose estate the claim is made, whichever is later.

2. Any such refund made by the United States shall be made without payment of interest on the amount so refunded.

ARTICLE VII.

1. With a view to the prevention of fiscal evasion each of the contracting States undertakes to furnish to the other contracting State, as provided in the succeeding Articles of this Convention, the information which its competent authorities have at their disposal or are in a position to obtain under its revenue laws in so far as such information may be of use to the authorities of the other contracting State in the assessment of the taxes to which this Convention relates.

2. The information to be furnished under this Article, whether in the ordinary course or on request, may be exchanged directly between the competent authorities of the two contracting States.

ARTICLE VIII.

1. The competent authority of the United States shall notify the competent authority of Canada as soon as practicable when the former authority ascertains that in the case of:

- (a) a decedent, any part of whose estate is subject to the Federal estate tax, there is property of such decedent situated in Canada;
- (b) a decedent domiciled in Canada, there is property of such decedent situated in the United States.

2. The competent authority of Canada shall notify the competent authority of the United States as soon as practicable when the former authority ascertains that in the case of:

- (a) a decedent, any part of whose estate is subject to the estate tax of the Government of Canada, there is property of such decedent situated in the United States;
- (b) a decedent domiciled in the United States, there is property of such decedent situated in Canada.

ARTICLE IX.

1. If the competent authority of Canada deems it necessary to obtain the cooperation of the competent authority of the United States in determination of the estate tax liability of any person, the latter authority may, upon request, furnish the former authority information bearing upon the matter as such latter authority is entitled to obtain under the revenue laws of the United States.

2. If the competent authority of the United States deems it necessary to obtain the cooperation of the competent authority of Canada in the determination of the estate tax liability of any person, the latter authority may, upon request, furnish the former authority such information bearing upon the matter as such latter authority is entitled to obtain under the revenue laws of Canada.

ARTICLE X.

The competent authorities of the contracting States may:

- (a) prescribe regulations to carry into effect this Convention within the respective States and rules with respect to the exchange of information;
- (b) if doubt arises, settle questions of interpretation or application of this Convention by mutual agreement;
- (c) communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XI.

If any fiduciary or beneficiary can show that double taxation contrary to the provisions of this Convention has resulted or may result, such fiduciary or beneficiary shall be entitled to lodge a claim or protest with the contracting State of citizenship or domicile of the decedent. If the claim or protest should be deemed worthy of consideration, the competent authority of such State may consult with the competent authority of the other State to determine whether the alleged double taxation exists or may occur and if so whether it may be avoided in accordance with the terms of this Convention.

ARTICLE XII.

The provisions of this Convention shall not be construed to restrict in any manner any exemption, deduction, credit, or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

ARTICLE XIII.

1. As used in this Convention:

- (a) The term "competent authority" or "competent authorities" means the Secretary and the Minister and their duly authorized representatives.
- (b) The term "Minister" means the Minister of National Revenue of Canada.
- (c) The term "Secretary" means the Secretary of the Treasury of the United States.
- (d) The term "United States" means the United States of America and when used in a geographical sense, means the States, including the former Territories of Alaska and Hawaii, and the District of Columbia.

- (e) The term "Canada" when used in a geographical sense means the provinces, the territories, and Sable Island.

ARTICLE XIV.

Upon the entry into force of this Convention, the Convention between Canada and the United States of America for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion in the Case of Estate Taxes and Succession Duties signed on the 8th day of June, 1944, and the Convention supplementary thereto signed on the 12th day of June, 1950, shall be deemed to have terminated on the first day of January, 1959, insofar as application to estates of decedents dying on or after the last-mentioned date is concerned, but shall continue in effect with respect to the estates of decedents dying prior to that date.

ARTICLE XV.

1. This Convention shall be ratified and the instruments of ratification shall be exchanged at OTTAWA as soon as possible.

2. When brought into force by the exchange of instruments of ratification, this Convention shall be deemed to have come into effect on the first day of January, 1959, and shall apply only with respect to the estates of decedents dying on or after that date. It shall continue in effect for a period of five years from that date, but may be terminated by either of the contracting States at the end of that five-year period or at any time thereafter provided that at least six months prior notice of termination has been given.

IN WITNESS WHEREOF the undersigned, duly authorized thereto, have signed this Convention and affixed their seals.

DONE at Washington, in duplicate, this 17th day of February, 1961.

FOR THE GOVERNMENT OF CANADA:

SEAL

(Sgd). A. D. P. Heeney.

FOR THE GOVERNMENT OF THE UNITED STATES OF AMERICA:

SEAL

(Sgd). Dean Rusk.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 20

An Act to authorize certain Amendments to the Agreement made under the Coal Production Assistance Act with Bras d'Or Coal Company Limited.

[Assented to 1st June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 173;
1958, c. 36;
1959, c. 39.

1. Notwithstanding anything in the *Coal Production Assistance Act*, the Minister of Mines and Technical Surveys (hereinafter called the "Minister") may enter into an agreement with Bras d'Or Coal Company Limited (hereinafter called the "Company") to amend the agreement made under the said Act with the Company on the 30th day of November, 1959, so as to provide for Amendment
of loan
agreement.

- (a) the removal of any obligation on the part of the Company, during or in respect of the period commencing on the 1st day of July, 1960 and ending on the 30th day of June, 1962, to make any repayments of the loan made to the Company under the agreement,
- (b) the resumption of repayments by the Company of the loan in consecutive semi-annual payments, to be computed as contemplated in the original repayment terms of the agreement, such repayments to commence on the 31st day of December, 1962, and to continue thereafter until the full amount of the loan has been repaid, and
- (c) such other amendments with respect to the security given or to be given by the Company or with respect to any other provision of the agreement as the Minister may deem necessary for the proper carrying out of the amendments described in paragraphs (a) and (b).

Effective
day.

2. Any amendments made under section 1 to the agreement made under the said Act with the Company shall have effect on such day prior to the coming into force of this Act as may be agreed upon by the Minister and the Company.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 21

An Act to amend the Criminal Code (Race Meetings).

[Assented to 1st June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41;
1960, cc. 37,
45, s. 21.

1. (1) All that portion of paragraph (c) of subsection (1) of section 178 of the *Criminal Code* immediately following subparagraph (ii) thereof is repealed and the following substituted therefor:

1953-54, c. 51.

“during the actual progress of a race meeting conducted by the association upon races being run thereon and if, as to race meetings at which there are running races, the following provisions are complied with, namely, no association shall hold, and on any one track there shall not be held, except as hereinafter provided, more than fourteen days of racing or more than two race meetings in any one calendar year, the racing during any such meeting to be held on consecutive days on which racing may be lawfully carried on and to consist of not more than eight races on any of those days;”

(2) Subparagraph (ii) of paragraph (d) of subsection (1) of section 178 of the said Act is repealed and the following substituted therefor:

1955, c. 45,
s. 1(1).

“(ii) no more than ten races shall be held during any one calendar day; and”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 22

An Act to amend the Farm Improvement Loans Act.

[Assented to 1st June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 110;
1952-53, c. 36;
1956, c. 24;
1959, c. 25.

1. Paragraph (d) of section 5 of the *Farm Improvement Loans Act* is repealed and the following substituted therefor:

“(d) made during the period commencing on the 1st day of April, 1959 and ending on the 30th day of June, 1962, after the aggregate principal amount of the guaranteed farm improvement loans made by all banks during that period exceeds four hundred million dollars.”

1952-53, c. 36,
s. 4;
1956, c. 24,
s. 3;
1959, c. 25,
s. 4.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 23

An Act to amend the Fisheries Act.

[Assented to 1st June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 119.

1. Paragraph (f) of section 2 of the *Fisheries Act* is repealed and the following substituted therefor:

“(f) “fishing vessel” means any vessel used, outfitted or designed for the purpose of catching, processing or transporting fish;” “Fishing vessel.”

2. Subsection (2) of section 5 of the said Act is repealed and the following substituted therefor:

“(2) The Governor in Council may authorize any fishery officer to administer oaths and take and receive affidavits, declarations and affirmations for any of the purposes of any Act or regulation administered by the Department of Fisheries.” Authority to administer oaths.

3. Section 19 of the said Act is repealed.

4. Section 33 of the said Act is amended by adding there- to the following subsections:

“(4) The Governor in Council may by order deem any substance to be a deleterious substance for the purposes of subsection (2).” Order of Governor in Council.

(5) Every person who violates any provision of this section is guilty of an offence and is liable upon summary conviction, Offences and penalties.

(a) for the first offence, to a fine of not less than one hundred dollars and not more than one thousand dollars or to imprisonment for a term of not less than one month and not more than six months, or to both such fine and imprisonment; and

- (b) for a second and each subsequent offence, to a fine of not less than three hundred dollars and not more than two thousand dollars or to imprisonment for a term of not less than two months and not more than twelve months, or to both such fine and imprisonment.”

5. Section 34 of the said Act is repealed and the following substituted therefor:

Regulations.

“34. The Governor in Council may make regulations for carrying out the purposes and provisions of this Act and in particular, but without restricting the generality of the foregoing, may make regulations

- (a) for the proper management and control of the sea-coast and inland fisheries;
- (b) respecting the conservation and protection of fish;
- (c) respecting the catching, loading, landing, handling, transporting, possession and disposal of fish;
- (d) respecting the operation of fishing vessels;
- (e) respecting the use of fishing gear and equipment;
- (f) respecting the issue, suspension and cancellation of licences and leases;
- (g) prescribing the terms and conditions under which a licence or lease is to be issued;
- (h) respecting the obstruction and pollution of any waters frequented by fish;
- (i) respecting the conservation and protection of spawning grounds;
- (j) respecting the export of fish or any part thereof from Canada;
- (k) respecting the taking or carrying of fish or any part thereof from one province of Canada to any other province;
- (l) prescribing the powers and duties of persons engaged or employed in the administration or enforcement of this Act and providing for the carrying out of those duties and powers; and
- (m) authorizing a person engaged or employed in the administration or enforcement of this Act to vary any close time or fishing quota that has been fixed by the regulations.”

6. Section 35 of the said Act is repealed.

7. Sections 45 to 47 of the said Act are repealed.

8. (1) Section 55 of the said Act is amended by adding thereto immediately after subsection (3) thereof the following subsection:

“(3a) The Minister may also, by order, exempt any class of dragger or trawler defined by the regulations from the operation of subsection (3) in respect of any area that is not less than three miles from the nearest shore on the Atlantic seacoast of Canada.” Exception.

(2) Subsection (5) of section 55 of the said Act is amended by deleting the word “and” at the end of paragraph (c) thereof, by adding the word “and” at the end of paragraph (d) thereof, and by adding thereto the following paragraph:

“(e) classifying, for the purposes of this section, the vessels referred to in subsection (1) according to length, tonnage or otherwise.”

9. Sections 60 and 61 of the said Act are repealed.

10. Section 64 of the said Act is repealed and the following substituted therefor:

“**64.** (1) A fishery officer may seize any fishing vessel, vehicle, fishing gear, implement, appliance, material, container, goods, equipment or fish where the fishery officer on reasonable grounds believes that Seizure of vessels, etc.

- (a) the fishing vessel, vehicle, fishing gear, implement, appliance, material, container, goods or equipment has been used in connection with the commission of an offence against this Act or the regulations;
- (b) the fish or any part thereof have been caught, taken, killed, transported, bought, sold or had in possession contrary to any provision of this Act or the regulations; or
- (c) the fish or any part thereof have been intermixed with fish referred to in paragraph (b).

(2) Subject to this section, any vessel, vehicle, article, goods or fish seized pursuant to subsection (1) shall be retained in the custody of the fishery officer making the seizure or shall be delivered into the custody of such person as the Minister directs. Custody of seized vessels, etc.

(3) Where, in the opinion of the person having custody of an article, goods or fish seized pursuant to subsection (1), that article, goods or fish will rot, spoil or otherwise perish, that person may sell the article, goods or fish in such manner and for such price as that person may determine. Perishable goods.

Proceeds
of sale.

(4) The proceeds of a sale referred to in subsection (3) shall be paid to the Receiver General of Canada or shall be deposited in a chartered bank to the credit of the Receiver General of Canada.

Court may
order for-
feiture.

(5) Where a person is convicted of an offence under this Act or any regulations, the convicting court or judge may, in addition to any other penalty imposed, order that

(a) any vessel, vehicle, article, goods or fish seized pursuant to subsection (1), or

(b) the whole or any part of the proceeds of a sale referred to in subsection (3),

be forfeited, and upon such order being made the vessel, vehicle, article, goods, fish or proceeds so ordered to be forfeited, are forfeited to Her Majesty in right of Canada.

Forfeiture
where owner-
ship not
ascertain-
able.

(6) Notwithstanding subsection (5), where the ownership of any fishing gear, implement, appliance, material, container, goods, equipment or fish seized pursuant to subsection (1) cannot, at the time of the seizure, be ascertained by the fishery officer by whom the seizure is made, the fishing gear, implement, appliance, material, container, goods, equipment or fish are upon the seizure thereof forfeited to Her Majesty.

Re-delivery
on bond.

(7) Where any vessel, vehicle, article, goods or fish have been seized under subsection (1) and proceedings in respect of the alleged offence have been instituted, the court or judge may, except in the case of any article, goods or fish forfeited under subsection (6), order re-delivery thereof to the accused upon security by bond, with two sureties, in an amount and form satisfactory to the Minister, being given to Her Majesty or upon security of a cash deposit, in an amount satisfactory to the Minister, being given to Her Majesty.

Vessel or
goods to be
returned
unless pro-
ceedings
instituted.

(8) Any vessel, vehicle, article, goods or fish seized under subsection (1) or the proceeds realized from a sale thereof under subsection (3), except any article, goods or fish forfeited under subsection (6), shall be returned or paid to the person from whom the vessel, vehicle, article, goods or fish were taken if the Minister decides not to institute a prosecution in respect of the alleged offence, and in any event, shall be returned or paid upon the expiration of three months from the day of the seizure unless before that time proceedings in respect of the alleged offence are instituted.

Disposal of
forfeited
vessel, etc.

(9) Except as provided in section 64A, any vessel, vehicle, article, goods or fish forfeited under subsection (5) or (6) shall, after the expiration of thirty days from the date of the forfeiture, be disposed of as the Minister directs.

(10) Notwithstanding subsection (9), any lobster trap forfeited under subsection (6) may, at the time of forfeiture, be disposed of as the Minister directs. Disposal of forfeited lobster trap.

(11) Where any vessel, vehicle, article, goods or fish have been seized pursuant to subsection (1) and proceedings in respect of the offence have been instituted, but the vessel, vehicle, article, goods or fish or any proceeds realized from the sale thereof under subsection (3) are not at the final conclusion of the proceedings ordered to be forfeited under subsection (5) and have not been forfeited under subsection (6), they shall be returned forthwith, or the proceeds shall be paid forthwith, to the person from whom the vessel, vehicle, article, goods or fish were taken, unless there has been a conviction and a fine imposed, in which case the vessel, vehicle, article, goods or fish may be detained until the fine is paid, or the vessel, vehicle, article, goods or fish may be sold under execution in satisfaction of the fine, or the proceeds realized from a sale of any article, goods or fish pursuant to subsection (3) may be applied in payment of the fine. Return of vessel or goods if no forfeiture ordered.

(12) Notwithstanding anything contained in this section, a fishery officer may, at the time of seizure, return to the water any fish seized pursuant to subsection (1) that the fishery officer believes to be alive. Release of seized fish.

64A. (1) In this section,

(a) "judge" means

"Judge."

- (i) in the Province of Quebec, a judge of the Superior Court for the district in which the vessel, vehicle, article, goods or fish in respect of which an application for an order under this section is made, were seized,
- (ii) in the Province of Newfoundland, a judge of the Supreme Court of Newfoundland,
- (iii) in the Yukon and Northwest Territories, a judge of the Territorial Court,
- (iv) in any province not referred to in subparagraphs (i) to (iii), a judge of the county or district court for the county or district in which any such vessel, vehicle, article, goods or fish were seized; and

(b) "court of appeal" means, in the province in which an order under this section is made, the court of appeal for that province as defined in paragraph (9) of section 2 of the *Criminal Code*.

"Court of appeal."

(2) Where any vessel, vehicle, article, goods or fish are forfeited to Her Majesty under subsection (5) or (6) of section 64, any person (other than a person convicted of Application by person claiming interest.

the offence that resulted in the forfeiture or a person in whose possession the vessel, vehicle, article, goods or fish were when seized) who claims an interest in the vessel, vehicle, article, goods or fish as owner, mortgagee, lienholder or holder of any like interest may, within thirty days after such forfeiture, apply by notice in writing to a judge for an order pursuant to subsection (5).

Date of hearing.

(3) The judge to whom an application is made pursuant to subsection (2) shall fix a day not less than thirty days after the date of filing of the application for the hearing thereof.

Notice.

(4) The applicant shall serve a notice of the application and of the hearing upon the Minister at least fifteen days before the day fixed for the hearing.

Order by Judge.

(5) Where, upon the hearing of an application, it is made to appear to the satisfaction of the judge,

(a) in the case of a forfeiture under subsection (5) of section 64, that the applicant is innocent of any complicity in the offence that resulted in the forfeiture and of any collusion in relation to that offence with the person who was convicted of the offence;

(b) in the case of a forfeiture under subsection (6) of section 64, that the applicant is innocent of any complicity in the alleged offence that resulted in the forfeiture and of any collusion in relation to that offence with any person who may have committed the offence; and

(c) that the applicant exercised all reasonable care in respect of the person permitted to obtain the possession of the vessel, vehicle, article, goods or fish to satisfy himself that they were not likely to be used contrary to the provisions of this Act or the regulations, or, in the case of a mortgagee or lienholder, that he exercised such care with respect to the mortgagor or the lien-giver,

the applicant is entitled to an order declaring that his interest is not affected by such forfeiture and declaring the nature and extent of his interest.

Appeal.

(6) The applicant or the Minister may appeal to the court of appeal from an order made under subsection (5) and the appeal shall be asserted, heard and decided according to the ordinary procedure governing appeals to the court of appeal from orders or judgments of a judge.

Application to Minister.

(7) The Minister shall, upon application made to him by any person who has obtained a final order under this section,

- (a) except in the case of any article, goods or fish disposed of pursuant to subsection (3) of section 64 direct that the vessel, vehicle, article, goods or fish to which the interest of the applicant relates be returned to the applicant; or
- (b) direct that an amount equal to the value of the interest of the applicant, as declared in the order, be paid to him.
- (8) This section does not apply to Exception.
- (a) any lobster trap disposed of under subsection (10) of section 64; or
- (b) any fish that have been returned to the water pursuant to subsection (12) of section 64."

11. Section 69 of the said Act is repealed.

12. Section 71 of the said Act is repealed.

13. The said Act is further amended by adding thereto, immediately after section 75 thereof, the following heading and sections:

"APPLICATION OF ACT TO THE HIGH SEAS.

76. The provisions of this Act and the regulations that apply to any or all of the waters or territorial waters of Canada, without anything in the context of such provisions indicating that they apply to any specified area of the waters or territorial waters of Canada, shall, in relation to any fishing vessel on the High Seas that is subject to the jurisdiction of Canada, or any act or thing done or omitted to be done on, from or by means of any such fishing vessel, be deemed to extend and apply to the High Seas. Application to High Seas.

77. All courts and justices in Canada have the same jurisdiction with respect to offences under this Act as they have under sections 689 to 692 of the *Canada Shipping Act* and the provisions of those sections apply to offences under this Act in the same manner and to the same extent as they apply to offences under the *Canada Shipping Act*." Jurisdiction.

9 - 10 ELIZABETH II.

CHAP. 24

An Act for the Establishment of a National Design Council.

[Assented to 1st June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *National Design Council Act* Short title.

INTERPRETATION.

2. In this Act, Definitions.
(a) "Council" means the National Design Council; and "Council."
(b) "Minister" means the Minister of Trade and Commerce. "Minister."

NATIONAL DESIGN COUNCIL.

3. There shall be, under the direction of the Minister, a National Design Council consisting of seventeen members, including Establishment of Council.

- (a) five members who shall be chosen from the fields of industry, commerce, and organized labour,
- (b) two members who shall be chosen from the field of the distribution of goods,
- (c) four members who shall be chosen from any of the fields of architecture, design and engineering,
- (d) four members who are officers or employees of Her Majesty employed in departments or agencies of the government of Canada that have a specialized interest in industrial design, and

(e) two members of the general public, to be appointed by the Governor in Council as provided in section 4.

Appointment of members of Council.

4. (1) Each of the members of the Council shall be appointed to hold office for a term of three years, except that of the seventeen first appointed eight shall be appointed for a term not exceeding two years.

Chairman of Council.

(2) One member shall be appointed to be Chairman of the Council for such term, not exceeding three years, as is fixed by the Governor in Council.

Reappointment.

(3) A retiring Chairman or other member is eligible for reappointment to the Council in the same or another capacity.

Eligibility.

(4) A person in order to be eligible to be appointed as a member of the Council described in paragraph (a), (b), (c) or (d) of section 3 shall have knowledge of the field he is to represent, or of technical aspects of design.

Remuneration and expenses.

5. Members of the Council shall serve without remuneration but are entitled to be paid reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties.

Quorum.

6. A majority of the members constitute a quorum of the Council, and a vacancy in the membership of the Council does not impair the right of the remaining members to act.

Election of Vice-Chairman.

7. (1) The Council shall elect one of its members to be Vice-Chairman for a term not exceeding three years.

Absence of Chairman.

(2) In the event of the absence or incapacity of the Chairman, or if the office of Chairman is vacant, the Vice-Chairman shall act as Chairman.

Meetings.

8. The Council shall meet at least three times a year on such days as are fixed by the Council.

Procedure.

9. The Council may make rules for regulating its proceedings and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committees of its members.

Objects.

10. The objects of the Council are to promote and expedite improvement of design in the products of Canadian industry, and, without limiting the generality of the foregoing, the Council may, in furtherance of its objects,

(a) plan and implement programmes to create an awareness by industry and the general public of the need for good design;

- (b) develop methods of achieving improved design;
- (c) assist industry in developing and applying good design techniques;
- (d) organize and assist committees and other groups in the implementation on a national, regional or industry basis of programmes to foster good design;
- (e) recommend to the Minister the awarding through appropriate organizations and otherwise of grants or scholarships
 - (i) to individuals in Canada for study or research in design in Canada or elsewhere, and
 - (ii) to institutions in Canada to encourage study or research in design in Canada;
- (f) grant or issue certificates, citations or awards of merit in respect of Canadian products of outstanding design; and
- (g) arrange for and sponsor the exhibition of displays of good design in Canada and abroad.

11. (1) The Minister may refer to the Council for its consideration and advice such matters relating to the promotion and expedition of the improvement of design in Canada or otherwise relating to the operation of this Act as he thinks fit.

Reference to Council.

(2) The Council shall investigate and report on all matters referred to it pursuant to subsection (1) and shall make such recommendations to the Minister in respect thereof as it deems appropriate.

Council to investigate and report.

GENERAL.

12. (1) In order to carry out its objects the Council shall utilize the services of such officers and employees employed in the Department of Trade and Commerce as the Minister may designate for the purpose.

Staff.

(2) Subject to subsection (1), the Minister may provide the Council with such professional or technical assistance for temporary periods or for specific work as the Council may request, but no such assistance shall be provided otherwise than from the public service of Canada except with the approval of the Treasury Board.

Advisors.

13. The Council is not an agent of Her Majesty and the members of the Council as such are not part of the public service of Canada.

Not agent of Her Majesty.

Financial. **14.** Expenditures for the purposes of this Act shall be paid out of moneys appropriated by Parliament to defray the charges and expenses of the public service of Canada within the Department of Trade and Commerce.

Report. **15.** The Chairman of the Council shall, within three months after the termination of each fiscal year, submit to the Minister a report of the operations of the Council for that fiscal year.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 25

An Act to amend the Representation Act.

[Assented to 1st June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S.; c. 334;
1952-53, c. 8;
1953-54, c. 32;
1955, c. 5;
1959, c. 16

1. Paragraph 2 of that Part of the Schedule to the *Representation Act*, dealing with the description of the electoral districts in the province of Saskatchewan, which describes the electoral district of Humboldt—Melfort, is amended by substituting for the words: "HUMBOLDT—MELFORT", the words: "HUMBOLDT—MELFORT—TISDALE" at the beginning of the said description.

Humboldt—
Melfort—
Tisdale.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 26

An Act respecting the Vocational Rehabilitation of Disabled Persons and the Co-ordination of Rehabilitation Services.

[Assented to 1st June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Vocational Rehabilitation of Disabled Persons Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | |
|--|------------------------------|
| (a) "Council" means the National Advisory Council on the Rehabilitation of Disabled Persons established by this Act; | Definitions.
"Council." |
| (b) "member" means a member of the Council; | "Member." |
| (c) "Minister" means the Minister of Labour; | "Minister." |
| (d) "disabled person" means a person who because of physical or mental impairment is incapable of pursuing regularly any substantially gainful occupation; and | "Disabled person." |
| (e) "vocational rehabilitation" means any process of restoration, training and employment placement, including services related thereto, the object of which is to enable a person to become capable of pursuing regularly a substantially gainful occupation. | "Vocational rehabilitation." |

AGREEMENTS AUTHORIZED.

3. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province, for a period not exceeding six years, to provide for the payment by Canada to the province of contributions Agreement authorized.

in respect of the costs incurred by the province in undertaking in the province a comprehensive program for the vocational rehabilitation of disabled persons.

Contributions payable.

(2) The contributions payable by Canada to a province under an agreement made pursuant to this section shall be fifty per cent of the costs incurred by the province in providing the program referred to in subsection (1).

"Costs" defined.

(3) In this section, "costs" incurred by a province means the costs incurred by the province determined as prescribed in the agreement made under this section between the Minister and the province, but does not include any amounts expended by the province in respect of

- (a) any disabled person eligible for vocational rehabilitation under the *Veterans Rehabilitation Act*; or
- (b) any disabled person whose disability is the result of an injury in respect of which benefits are payable to him under any workman's compensation law.

"Comprehensive program for the vocational rehabilitation of disabled persons" defined.

(4) In this section, the expression "comprehensive program for the vocational rehabilitation of disabled persons", in respect of a province, means a vocational rehabilitation program for disabled persons as defined in the agreement made under this section between the Minister and the province, and, without restricting the generality of the foregoing, includes such of the following services and processes of restoration, training and employment placement as are specified in the agreement, namely:

- (a) assessment and counselling services for disabled persons;
- (b) services and processes of restoration, training and employment placement designed to enable a disabled person to dispense with the necessity for institutional care or the necessity for the regular home service of an attendant;
- (c) providing for utilizing the services of voluntary organizations that are carrying on activities in the province in the field of vocational rehabilitation of disabled persons;
- (d) the training of persons as counsellors or administrators to carry out programs for the vocational rehabilitation of disabled persons;
- (e) the co-ordination of all activities in the province relating to vocational rehabilitation of disabled persons; and
- (f) such other services and processes of restoration, training and employment placement in respect of disabled persons as are specified in the agreement.

(5) An agreement made under this section between the Minister and a province shall set out how and by what manner the various services and processes of restoration, training and employment placement in respect of disabled persons that constitute the provincial program for the vocational rehabilitation of disabled persons as defined in the agreement, will be made available to disabled persons in the province.

How
services
made
available.

4. Any agreement made under this Act may be amended or terminated by the mutual consent of the parties thereto with the approval of the Governor in Council.

Amendments.

FEDERAL PROGRAMS AND RESEARCH.

5. The Minister may undertake to co-ordinate federal activities in the field of vocational rehabilitation of disabled persons in co-operation with the Minister of National Health and Welfare and the ministers or heads of any other departments or agencies of the Government of Canada carrying on activities in such field.

Co-ordina-
tion of
federal
activities.

6. (1) The Minister may undertake research in respect of vocational rehabilitation for disabled persons and may, where he deems it appropriate, undertake such research in co-operation with any province.

Research
program.

(2) The Minister may collect, compile, analyze, abstract and publish information relating to any research undertaken by him pursuant to this section.

Publication
of research.

COUNCIL ESTABLISHED.

7. (1) There shall be a Council to be called the National Advisory Council on the Rehabilitation of Disabled Persons, consisting of twenty-five members, including

Council
established.

- (a) one member from each of the ten provinces;
- (b) ten members who shall be chosen upon the joint recommendation of the Minister of Labour and the Minister of National Health and Welfare;
- (c) four members who are officers or employees of Her Majesty, one each of whom shall be chosen to represent, respectively, the Department of National Health and Welfare, the Department of Veterans Affairs, the Department of Labour and the Unemployment Insurance Commission; and
- (d) one member who shall serve as Chairman of the Council;

to be appointed by the Governor in Council to hold office during pleasure for such term, not exceeding three years, as may be determined by the Governor in Council.

Quorum. (2) A majority of the members constitutes a quorum of the Council, and a vacancy in the membership of the Council does not impair the right of the remaining members to act.

Absence or incapacity. (3) In the event of the absence or temporary incapacity of any member the Governor in Council may appoint a person to act in his stead during such absence or incapacity.

Procedure. (4) The Council may make rules for regulating its procedures and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committees of its members.

Staff. (5) The Minister may provide the Council with such professional, technical, secretarial and other assistance as the Council may require, but the provision of such assistance otherwise than from the public service of Canada is subject to approval by Treasury Board.

Information to be made available. (6) The Minister shall make available to the Council such information as the Council reasonably requires for the proper discharge of its functions.

Chairman's remuneration. **8.** (1) The Chairman of the Council shall be paid such remuneration for his services as is fixed by the Governor in Council.

Expenses. (2) The members, other than the Chairman, shall serve without remuneration but each member is entitled to be paid reasonable travelling and other expenses incurred by him in the performance of his duties.

Reference to Council. **9.** (1) The Minister may refer to the Council for its consideration and advice such questions relating to the operation of this Act as he thinks fit.

Council to consider and advise. (2) The Council shall give consideration to and advise the Minister on
(a) all matters referred to it pursuant to subsection (1); and
(b) such other matters relating to the operation of this Act as the Council sees fit.

GENERAL.

Officers, clerks and employees **10.** Such officers, clerks and other employees as are necessary for the administration of this Act shall be appointed under the provisions of the *Civil Service Act*.

- 11.** The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect Regulations.
- (a) in respect of the provision of medical services, on the joint recommendation of the Minister of Labour and the Minister of National Health and Welfare; and
 - (b) in respect of all other matters, on the recommendation of the Minister of Labour.

REPORT TO PARLIAMENT.

- 12.** The Minister shall, within three months after the termination of each fiscal year, prepare an annual report on the work done, moneys expended and obligations contracted under this Act and cause the report to be laid before Parliament if Parliament is then sitting or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting. Report to Parliament.

COMING INTO FORCE.

- 13.** This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Commencement of Act

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 27

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

[Assented to 8th June, 1961.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Major-General Georges Philias Vanier, DSO., MC., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1962, and for other purposes connected with the public service: May it therefore please your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that: Preamble.

1. This Act may be cited as the *Appropriation Act No. 3, 1961.* Short title.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole six hundred and thirty-three million, nine hundred and fifty-eight thousand, eight hundred and seventeen dollars, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the aggregate of \$633,958,817.00
granted for
1961-62.

- (a) one-sixth of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1962, as laid before the House of Commons at the present session of Parliament, \$614,823,482.50;

- (b) one-third of the total of the amounts of the several items in the Main Estimates set forth in Schedule A, \$946,866.67;
- (c) one quarter of the total of the amounts of the several items in the Main Estimates set forth in Schedule B, \$7,184,844.50;
- (d) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, \$3,709,604.00; and
- (e) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule D, \$7,294,019.33.

Purpose
and effect
of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Account to
be rendered.
R.S., c. 116.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$946,866.67, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FISHERIES		
	SPECIAL		
140	Canadian share of expenses of the International Commissions detailed in the Estimates.....	930,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	DOMINION OBSERVATORIES		
226	Dominion Astrophysical Observatory, Victoria, B.C.— Construction or Acquisition of Buildings, Works, Land and Equipment.....	160,600	
	PRIVY COUNCIL		
	SPECIAL		
318	Expenses of the Royal Commission on Government Organization including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	750,000	
	PUBLIC WORKS		
	GENERAL		
370	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1961-62.....	1,000,000	
		1,000,000	*2,840,600

*Net total \$946,866.67.

SCHEDULE B.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$7,184,844.50, being one-quarter of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
90	Bilateral Economic Aid Programs— West Indies Assistance Program.....	1,500,000	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
281	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Campground and Picnic Area Developments.....	1,700,000	
282	Contributions to the Provinces to assist in the development of roads leading to resources in accordance with agreements entered into by Canada and the Provinces.....	12,000,000	
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
400	1961 Decennial Census of Canada.....	13,539,378	
			*28,739,378

* Net total \$7,184,844.50.

SCHEDULE C.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$3,709,604.00, being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING BRANCH		
16	Health of Animals Division—Compensation for Animals Slaughtered.....	2,220,000	
	CITIZENSHIP AND IMMIGRATION		
	INDIAN AFFAIRS BRANCH		
65	Grant to provide Additional Services to the Indians of British Columbia.....	100,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	GEOLOGICAL SURVEY OF CANADA		
218	Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, and \$75,000 for grants in aid of Geological Research in Canadian Universities.....	4,937,624	
	LOANS, INVESTMENTS AND ADVANCES		
	TRANSPORT		
	<i>St. Lawrence Seaway Authority</i>		
493	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve.....	15,000,000	
			*22,257,624

* Net total \$3,709,604.00.

SCHEDULE D.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$7,294,019.33, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS			
A—DEPARTMENT			
SURVEYS AND MAPPING BRANCH			
208	Geodetic Survey of Canada.....	935,434	
209	International Boundary Commission including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the United States Government of the cost of binding annual reports and maintaining boundary range lights.....	88,799	
Topographical Surveys—			
210	Administration, Operation and Maintenance.....	2,209,626	
Canadian Hydrographic Service—			
212	Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	5,370,081	
214	Legal Surveys and Aeronautical Charts.....	844,905	
GEOGRAPHICAL BRANCH			
222	Administration, Operation and Maintenance including the expenses of the Canadian Board on Geographical Names (formerly under Surveys and Mapping Branch Administration) and a grant of \$500 to the Canadian Association of Geographers.....	500,626	
DOMINION OBSERVATORIES			
Dominion Observatory, Ottawa and Field Stations—			
223	Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union and a grant of \$3,500 to the Royal Astronomical Society of Canada.....	1,568,575	
GENERAL			
227	Purchases of Air Photography and the expenses of the Interdepartmental Committee on Air Surveys.....	1,300,000	
228	Polar Continental Shelf Project.....	1,553,595	
PUBLIC WORKS			
PUBLIC BUILDINGS CONSTRUCTION AND SERVICES			
337	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects— Manitoba.....	715,000	

SCHEDULE D—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
399	Dominion Bureau of Statistics, including the fee for membership in the Inter-American Statistical Institute and a contribution of \$500 to the International Statistical Institute.	12,596,591	
	VETERANS AFFAIRS		
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
462	War Veterans Allowances.	59,845,000	
			*87,528,232

* Net total \$7,294,019.33.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 28

An Act to amend the Canadian National Railways Act.

[Assented to 8th June, 1961.]

HER Majesty, by and with the advice and consent of 1955, c. 29.
the Senate and House of Commons of Canada, enacts
as follows:—

1. Subsection (2) of section 6 of the *Canadian National Railways Act* is repealed and the following substituted therefor:

“(2) The Board of Directors of the National Company shall consist of twelve directors each of whom shall be a Canadian citizen.” Number.

2. Subsection (2) of section 10 of the said Act is repealed and the following substituted therefor:

“(2) Seven directors constitute a quorum.” Quorum

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Coming into force.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9-10 ELIZABETH II.

CHAP. 29

An Act to amend the Freight Rates Reduction Act.

[Assented to 8th June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1959, c. 27;
1960, c. 42.

1. The Board of Transport Commissioners for Canada may extend, but not beyond the 30th day of April, 1962, the period specified in any order made by the Board under subsection (1) of section 3 of the *Freight Rates Reduction Act*, during which the revised rates set forth in the order shall be applicable, and in such case the diminution in the gross revenue of a company resulting from the continuation in effect, after the 30th day of April, 1961 and before the day on which the extension became effective, of the revised rates set forth in the order shall, for the purposes of the *Freight Rates Reduction Act*, be deemed to have resulted from an order made by the Board under that Act. Extension
of time.

2. Subsection (2) of section 4 of the *Freight Rates Reduction Act* is repealed and the following substituted therefor: Limit.
“(2) The aggregate of all payments under this section shall not exceed fifty-five million dollars.”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 30

An Act to provide for the Rehabilitation of Agricultural Lands and the Development of Rural Areas in Canada.

[Assented to 22nd June, 1961.]

WHEREAS agriculture in Canada is undergoing technological changes that necessitate adjustments on the part of many Canadians engaged in this basic industry in order to maintain or raise their standard of living; Preamble.

AND WHEREAS all Canadians, and Canadians engaged in agriculture in particular, may benefit by projects providing for the alternative uses of agricultural lands that are marginal or of low productivity, by projects for the development of new opportunities for increased income and employment in rural agricultural areas and by projects for the development and conservation of the soil and water resources of Canada;

AND WHEREAS such projects can best be advanced on the part of Canada by the undertaking of research and the providing of assistance to provincial governments and agencies thereof with respect to such projects;

NOW THEREFORE Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Agricultural Rehabilitation and Development Act*. Short title.

PROJECTS FOR THE ALTERNATIVE USES OF LAND.

2. (1) The Minister of Agriculture (hereinafter referred to as the "Minister") may, with the approval of the Governor in Council, enter into an agreement with any province providing for Agreements for alternative land use projects authorized.

- (a) the undertaking jointly with the government of the province or any agency thereof of projects for the more efficient use and economic development of marginal or submarginal agricultural lands specified in the agreement; or
- (b) the payment to the province of contributions in respect of the cost of such projects undertaken by the government of the province or any agency thereof.

Research and investigation.

(2) The Minister may cause to be prepared and undertaken, directly or in co-operation with the government of any province or any agency thereof, programmes of research and investigation respecting the more effective use and economic development of agricultural lands in that province.

RURAL DEVELOPMENT PROJECTS.

Agreements for rural development projects authorized.

3. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province providing for

- (a) the undertaking jointly with the government of the province or any agency thereof of projects for the development of income and employment opportunities in rural agricultural areas specified in the agreement and for improving standards of living in those areas; or
- (b) the payment to the province of contributions in respect of the cost of such projects undertaken by the government of the province or any agency thereof.

Research and investigation.

(2) For the purpose of assisting the development of income and employment opportunities in rural agricultural areas in Canada and the improvement of standards of living in those areas, the Minister may cause to be prepared and undertaken with the government of any province or any agency thereof or with any university, educational institution or person, programmes of research and investigation, and co-ordinate such programmes with other similar programmes being undertaken in Canada.

Minister to make use of services, etc., of other departments.

(3) The Minister shall, in carrying out any project or research programme for the development of income and employment opportunities in rural agricultural areas, make use, wherever possible, of the services and facilities of other departments of the Government of Canada or of any agencies thereof.

SOIL AND WATER CONSERVATION PROJECTS.

4. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province providing for

Agreements for soil and water conservation projects authorized.

(a) the undertaking jointly with the government of the province or any agency thereof of

- (i) projects for the development and conservation of water supplies for agricultural purposes, and
- (ii) projects for soil improvement and conservation that will improve agricultural efficiency in that province or in any area thereof specified in the agreement; or

(b) the payment to the province of contributions in respect of the cost of such projects undertaken by the government of the province or any agency thereof.

(2) The Minister may cause to be prepared and undertaken, directly or in co-operation with the government of any province or any agency thereof, programmes of research and investigation for the development and conservation of water supplies and for soil improvement and conservation in that province.

Research and investigation.

TERMS AND CONDITIONS OF AGREEMENTS.

5. Every agreement entered into pursuant to this Act shall

Provisions to be included in agreements.

(a) specify the respective proportions of the cost of any project to which the agreement relates that shall be paid by the Minister and the province, or the contribution in respect of any such project that shall be paid by the Minister, and the times at which such amounts to be paid by the Minister or the province shall be paid;

(b) specify the authority that shall be responsible for the undertaking, operation and maintenance of any project or any part thereof to which the agreement relates;

(c) specify the respective proportions of the revenues from any project to which the agreement relates that are to be paid to the Minister and the province; and

(d) specify the terms and conditions as to the operation and maintenance of any project to which the agreement relates and the charges, if any, to be charged to persons to whom any of the benefits of the project are made available.

GENERAL.

Advisory
committees.

6. The Minister may, for the purpose of carrying out the purposes and provisions of this Act, establish such advisory committees as he deems necessary and appoint the members thereof, and the members of such committees are entitled to be paid reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties.

Expenditures.

7. (1) All expenditures for the purposes of this Act shall be paid out of money appropriated by Parliament therefor.

Validity of
agreements.

(2) No agreement entered into pursuant to this Act providing for the payment of any money by the Minister shall have any force or effect until such time as money has been appropriated by Parliament for the purpose of discharging any commitment under that agreement.

Regulations.

8. The Governor in Council may by regulation make provision for any matters concerning which he deems regulations are necessary or desirable to carry out the purposes and provisions of this Act.

Report.

9. The Minister shall, as soon as possible after the termination of each fiscal year, submit a report to Parliament respecting the operations for that year of the agreements made under this Act.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 31

An Act to amend the Army Benevolent Fund Act.

[Assented to 22nd June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., cc. 10,
303.

1. Subsection (7) of section 3 of the *Army Benevolent Fund Act* is repealed and the following substituted therefor:

R.S., c. 303,
s. 1(1).

“(7) The Receiver General shall credit to the Fund semi-annually interest on the minimum balance to the credit of the Fund in each month, at the following rates:

Interest.

- (a) four per cent per annum, to the extent that the minimum balance does not exceed five million dollars, and
- (b) three per cent per annum, to the extent that the minimum balance exceeds five million dollars.”

2. Subsection (1) of section 8 of the said Act is repealed and the following substituted therefor:

“**8.** (1) The Board shall appoint a veteran as Secretary to the Board at an annual salary to be fixed by the Board and may appoint such other officers, clerks and employees as may be required on such terms and conditions as it deems expedient; but where there is available a qualified veteran to fill any position, preference in appointment shall be given such veteran.”

Secretary.

3. Subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

“**11.** (1) The Auditor General shall examine, annually, the accounts of the Board.”

Audit.

9 - 10 ELIZABETH II.

CHAP. 32

An Act to amend the Canada Shipping Act.

[Assented to 22nd June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 29;
1952-53, c. 20;
1956, c. 34;
1957, c. 4;
1960, c. 40.

1. (1) Paragraph (6) of section 2 of the *Canada Shipping Act* is repealed and the following substituted therefor:

“(6) “builder’s mortgage” means a mortgage of a recorded vessel;”

‘Builder’s mortgage.’”

(2) Paragraph (38) of section 2 of the said Act is repealed and the following substituted therefor:

“(38) “home-trade voyage” means a voyage not being an inland or minor waters voyage between places within the area following, namely, Canada, the United States of America other than Hawaii, St. Pierre and Miquelon, the West Indies, Mexico, Central America and the northeast coast of South America, in the course of which a ship does not go south of the sixth parallel of north latitude;”

“Home-trade voyage.”

(3) Paragraph (41) of section 2 of the said Act is repealed and the following substituted therefor:

“(41) “inland waters of Canada” means all the rivers, lakes and other navigable fresh waters within Canada, and includes the River St. Lawrence as far seaward as a straight line drawn

“Inland waters of Canada.”

(a) from Cap des Rosiers to West Point Anticosti Island, and

(b) from Anticosti Island to the north shore of the River St. Lawrence along the meridian of longitude sixty-three degrees west;”

(4) Paragraph (55) of section 2 of the said Act is repealed and the following substituted therefor:

"Minor waters of Canada."

"(55) "minor waters of Canada" means all inland waters of Canada other than Lakes Ontario, Erie, Huron (including Georgian Bay) and Superior and the River St. Lawrence east of a line drawn from Father Point to Point Orient, and includes all bays, inlets and harbours of or on the said lakes and Georgian Bay and such sheltered waters on the sea coasts of Canada as the Minister may specify;"

Ownership of a recorded vessel to remain unchanged until bill of sale recorded.

Registrar to record bill of sale.

2. Section 5 of the said Act is repealed and the following substituted therefor:

"5. (1) The bill of sale for a recorded vessel that is sold shall be filed with the registrar at the port at which the vessel is recorded and the ownership of that vessel shall be deemed unchanged until the bill of sale is recorded.

(2) On receipt of a bill of sale for a recorded vessel, the registrar shall enter the particulars thereof in the record book and endorse on the bill of sale the date and hour that the entry was made."

3. Section 6 of the said Act is repealed and the following substituted therefor:

Qualification for owning British ship

"6. A ship shall be deemed not to be a British ship unless it is owned wholly by a person qualified to be an owner of a British ship, namely,

(a) a British subject; or

(b) a body corporate incorporated under the law of a country of the Commonwealth or of the Republic of Ireland, and having its principal place of business in that country."

1956, c. 34. s. 2.

Exemption from registry.

4. Section 8 of the said Act is repealed and the following substituted therefor:

"8. Ships not exceeding fifteen tons register tonnage employed solely in navigation on the lakes, rivers or coasts of Canada and pleasure yachts not exceeding twenty tons register tonnage wherever employed or operated are exempted from registry under this Act."

5. Sections 45 and 46 of the said Act are repealed and the following substituted therefor:

Recorded vessel may be mortgaged.

"45. (1) A recorded vessel may be made security for the repayment of a debt or the discharge of any other obligation.

Form of builder's mortgage and recording.

(2) A builder's mortgage shall be in Form D in the Eleventh Schedule and may be filed with the registrar at the port at which the vessel is recorded.

(3) On receipt of a builder's mortgage in the required form, the registrar shall enter the particulars thereof in the record book.

Registrar
to record
builder's
mortgage.

46. Every builder's mortgage

- (a) binds the recorded vessel to which it relates during the period from the commencement of building until launching;
- (b) binds the recorded vessel to which it relates at and from the time of its launching until its registration in Canada as a British ship; and
- (c) operates in all respects as if it were a mortgage made after the registration of the recorded vessel to which it relates as a British ship pursuant to this Part, and the provisions of subsection (2) of section 47 and sections 48 to 54 respecting a registered mortgage apply *mutatis mutandis* to a builder's mortgage."

Effect
in law of
builder's
mortgage.

6. (1) Subsection (1) of section 82 of the said Act is repealed and the following substituted therefor:

"**82.** (1) On application to the registrar during the hours of his official attendance, a person may

Fees for
inspection
and copies of
register
book, etc

- (a) on payment of a fee of twenty-five cents inspect the entries respecting a ship in the register book or record book, and
- (b) on payment of a fee of one dollar obtain
 - (i) a copy of the entries made in the register book or record book respecting a ship, or
 - (ii) a copy of any declaration or document that is by subsection (2) declared admissible in evidence,
certified by the registrar to be a true copy of such particulars, declaration or document."

(2) Paragraph (a) of subsection (2) of section 82 of the said Act is repealed and the following substituted therefor:

"(a) any register book or record book under this Part on its production from the custody of the registrar or other person having the lawful custody thereof;"

7. Subparagraph (i) of paragraph (a) of subsection (1) of section 96 of the said Act is repealed and the following substituted therefor:

"(i) any space used exclusively for the accommodation of the master; and any space occupied by seamen or apprentices and appropriated to their use, that is certified in the manner required by the regulations made pursuant to section 234;"

8. Section 102 of the said Act is repealed and the following substituted therefor:

Surveyor
of ships.

“102. The Minister may appoint

(a) in any port in Canada, and

(b) at any place outside of Canada,

an officer, hereinafter called a surveyor of ships, to superintend the survey and measurement of ships in conformity with the provisions of this Act.”

9. (1) Paragraph (c) of subsection (1) of section 115 of the said Act is repealed and the following substituted therefor:

“(c) steamships other than passenger steamships, of not more than twenty nominal horse power where the propelling machinery is compound steam or turbine engines, or of not more than ten nominal horse power where the propelling machinery is of any other type,”

1952-53, c. 20,
s. 7.

(2) Paragraphs (i) to (vii) of subsection (1) of section 115 of the said Act are repealed and the following substituted therefor:

“(d) if the steamship is a foreign-going ship, of one hundred nominal horse power or upwards where the propelling machinery is compound steam or turbine engines, or of forty-five nominal horse power or upwards where the propelling machinery is of any other type, with at least two engineers, one of whom shall be a first class engineer, and the other at least a second class engineer, duly certificated;

(e) if the steamship is a foreign-going ship of less than one hundred nominal horse power where the propelling machinery is compound steam or turbine engines, or of less than forty-five nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated;

(f) if the steamship is a foreign-going ship, solely employed in fishing, of more than twenty but not more than seventy-five nominal horse power where the propelling machinery is compound steam or turbine engines, with at least one engineer, who shall be at least a third class engineer, duly certificated;

(g) if the steamship is a foreign-going ship, solely employed in fishing, of more than ten but not more than twenty-five nominal horse power where the propelling machinery is internal combustion engines,

with at least one engineer, who shall be at least a chief engineer of a motor-driven fishing vessel, duly certificated;

- (h) if the steamship is a home-trade, inland waters or minor waters ship, of more than three hundred nominal horse power where the propelling machinery is compound steam or turbine engines, or of more than ninety nominal horse power where the propelling machinery is of any other type, with at least two engineers, one of whom shall be a first class engineer, duly certificated, or a second class engineer who was duly certificated prior to the coming into force of this paragraph and the other at least a second class engineer, duly certificated, or a fourth class engineer who was duly certificated prior to the coming into force of this paragraph;
- (i) if the steamship is a home-trade, inland waters or minor waters passenger ship, of more than forty-five but not more than three hundred nominal horse power where the propelling machinery is compound steam or turbine engines, or of more than fifteen but not more than ninety nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated;
- (j) if the steamship is a home-trade, inland waters or minor waters passenger ship, of not more than forty-five nominal horse power where the propelling machinery is compound steam or turbine engines, or of not more than fifteen nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a third class engineer, duly certificated, or, if the ship is of the nominal horse power in respect of which a temporary engineer certificate may be issued under the provisions of section 128, an engineer with a temporary certificate;
- (k) if the steamship is a home-trade, inland waters or minor waters ship, other than a passenger ship, of more than seventy-five but not more than three hundred nominal horse power where the propelling machinery is compound steam or turbine engines, or of more than twenty-five but not more than ninety nominal horse power where the propelling machinery is of any other type, with at least one engineer, who shall be at least a second class engineer, duly certificated; and

- (l) if the steamship is a home-trade, inland waters or minor waters ship, other than a passenger ship,
- (i) of more than twenty but not more than seventy-five nominal horse power where the propelling machinery is compound steam or turbine engines, with at least one engineer, who shall be at least a third class engineer, duly certificated,
 - (ii) of more than ten but not more than twenty-five nominal horse power where the propelling machinery is internal combustion engines and the ship is solely engaged in fishing, with at least one engineer who shall be at least a chief engineer of a motor-driven fishing vessel, duly certificated, or
 - (iii) of more than ten but not more than twenty-five nominal horse power where the propelling machinery is of any type other than compound steam or turbine engines and the ship is not solely engaged in fishing, with at least one engineer, who shall be at least a third class engineer, duly certificated."

10. (1) Paragraph (c) of subsection (4) of section 116 of the said Act is repealed and the following substituted therefor:

"(c) ferry steamship;"

(2) Subsection (5) of section 116 of the said Act is repealed and the following substituted therefor:

"(5) The classes mentioned in subsection (4) shall rank according to the order stated for steamships and sailing ships respectively, so that the lawful holder of a steamship certificate is entitled to all the rights and privileges of a holder of a certificate in a lower class of steamships, and so that the lawful holder of a certificate for sailing ships is entitled to all the rights and privileges of a holder of a certificate for fore-and-aft rigged sailing ships; but the certificate for a ferry steamship is valid on this class of vessel only and on the waters described in the certificate."

11. (1) Section 118 of the said Act is amended by striking out the word "and" at the end of paragraph (e) thereof, by repealing paragraph (f) of the said section and substituting therefor the following paragraphs:

"(f) chief engineer of a motor-driven fishing vessel; and
(g) watchkeeping engineer of a motor-driven fishing vessel."

(2) Section 118 of the said Act is further amended by adding thereto the following subsection:

Rank of
classes.

1956, c. 34,
s. 8.

“(2) The grades mentioned in subsection (1), other than that of temporary engineer, shall rank according to the order stated so that the lawful holder of a certificate of any grade is entitled to all the rights and privileges of a holder of a certificate of a lower grade; but the holder of a certificate of fourth class engineer is not entitled to the privileges of a holder of a certificate of chief engineer of a motor-driven fishing vessel.”

Rank of
classes.

12. Section 128 of the said Act is repealed and the following substituted therefor:

1956, c. 34.
s. 11.

“**128.** A steamship inspector may grant a temporary certificate to any person sufficiently qualified in the opinion of the inspector to act as engineer in a steamship carrying passengers and propelled by an internal combustion engine of not more than four nominal horse power, or in the case of a steamship making home-trade voyages, Class IV, or minor waters voyages, Class II, propelled by an internal combustion engine of not more than six nominal horse power, and such certificate is valid only in respect of the steamship named therein while employed within the limits specified in the certificate, and for a period not exceeding one year from the date of issue.”

Temporary
engineers.

13. Subsection (1) of section 133 of the said Act is repealed and the following substituted therefor:

“**133.** (1) The Governor in Council may direct, subject to such conditions as he may impose, that any certificate as master, mate or engineer granted by any authority competent to issue such certificates under the laws of any country of the Commonwealth or the Republic of Ireland may be accepted in lieu of a certificate as master, mate or engineer granted under this Part, if he is satisfied that examinations for the issue of such certificates are conducted as efficiently as the examinations for the same purpose provided for in this Part, and that the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Part.”

Recognition
of certi-
ficates.

14. Section 234 of the said Act is repealed and the following substituted therefor:

“**234.** (1) The Governor in Council may make regulations respecting the crew accommodation to be provided in Canadian ships, and, without restricting the generality of the foregoing, may make regulations

Regulations
respecting
crew
accommo-
dation.

- (a) respecting the space and equipment to be provided for the sleeping rooms, wash rooms, mess rooms and galleys;

- (b) providing for the protection of the crew against injury, condensation, heat, cold and noise on a ship;
- (c) prescribing the water, heating, lighting, ventilation and sanitary facilities to be supplied on a ship; and
- (d) respecting the inspection, measuring and marking of crew accommodations on a ship and its certification for the purpose of ascertaining register tonnage and prescribing the fees to be charged therefor.

Penalty.

(2) Every owner of a Canadian ship that violates any regulation made under subsection (1) is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars."

15. Section 346 of the said Act is amended by adding thereto, immediately after paragraph (e) thereof, the following paragraph:

"(ee) ships registered in the United States

(i) whose operations are upon the Great Lakes or between ports in the Great Lakes and the River St. Lawrence, or

(ii) whose operations are primarily as described in subparagraph (i) and that make occasional voyages to ports in the maritime provinces of Canada

while operating in any pilotage district on the River St. Lawrence above the pilotage district of Montreal;"

1956, c. 34,
s. 15.

16. Section 356 of the said Act is repealed and the following substituted therefor:

Penalty.

"**356.** Every person who violates subsection (3) of section 354 is guilty of an offence and liable on summary conviction to a fine not exceeding two hundred and fifty dollars for each day of the violation."

17. Section 376 of the said Act is repealed and the following substituted therefor:

Appointment
of steamship
inspectors.

"**376.** The Governor in Council may appoint at such places in Canada as he deems advisable, persons to inspect

(a) the machinery of steamships,

(b) the hulls of steamships,

(c) the equipment of steamships, and

(d) the electrical installations in steamships,

and a person so appointed shall hereinafter be referred to as a 'steamship inspector'."

18. Subsection (2) of section 386 of the said Act is repealed and the following substituted therefor:

“(2) A steamship inspector shall demand of the owner or master of every steamship which he inspects the production of the certificate of registry or licence of the vessel, and the owner or master shall produce such certificate or licence on demand.”

Production of certificate of registry.

19. Subsection (3) of the section 394 of the said Act is repealed and the following substituted therefor:

“(3) For the purposes of this section the Chairman may direct that a survey or inspection by

Inspection by exclusive surveyor or other inspector.

(a) an exclusive surveyor to a society or association for the classification and registry of shipping, approved by the Minister, or

(b) a surveyor or inspector appointed by the government of a country other than Canada,

if made at a port or place outside Canada may, subject to any regulations the Minister may make, be deemed to have been made by a steamship inspector, and the report of such surveyor or inspector may be delivered to a steamship inspector who is entitled to act upon it and issue the necessary inspection certificate.”

20. (1) Paragraph (c) of subsection (1) of section 410 of the said Act is repealed and the following substituted therefor:

“(c) the construction of equipment and the class and quantity of various types of equipment to be carried in any vessel including the marking of boats, life boats, life rafts and buoyant apparatus so as to show the dimensions thereof and the number of persons authorized to be carried thereon;”

(2) Subsection (1) of section 410 of the said Act is further amended by adding thereto, immediately following paragraph (f) thereof, the following paragraph:

“(ff) the marking of vessels to show the recommended safe limits for engine horse power and gross load capacity;”

21. Subsection (7) of section 411 of the said Act is repealed and the following substituted therefor:

1952-53, c. 20, s. 8(1).

“(7) Subsection (6) also applies to all other steamships of five thousand tons gross tonnage or upwards going on any voyage outside a port.”

Idem.

22. The said Act is further amended by adding thereto, immediately after section 457 thereof, the following section:

Minister may designate rescue co-ordinators.

“**457A.** (1) The Minister may designate persons, to be known as rescue co-ordinators, to organize search and rescue operations in Canadian waters and on the high seas off the coasts of Canada.

Power of rescue co-ordinators.

(2) On being informed that a vessel, aircraft or survival craft thereof is in distress or is missing in Canadian waters or on the high seas off any of the coasts of Canada under circumstances that indicate it may be in distress, a rescue co-ordinator may

- (a) order all vessels within an area specified by him to report their positions to him,
- (b) order any vessel to take part in a search for that vessel, aircraft or survival craft or to otherwise render assistance, and
- (c) give such other orders as he deems necessary to carry out search and rescue operations for that vessel, aircraft or survival craft.

Penalty.

(3) Every master or person in charge of a vessel in Canadian waters or a Canadian vessel on the high seas off the coasts of Canada who fails to comply with an order given by a rescue co-ordinator or a person acting under his direction is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months or to both fine and imprisonment.

Defence of danger to ship and passengers.

(4) No master or person in charge of a vessel shall be convicted of an offence under subsection (3) if he establishes that compliance with an order of a rescue co-ordinator or person acting under the direction thereof would have exposed his vessel or tow or persons on board it to serious danger.”

23. Subsection (1) of section 461 of the said Act is amended by striking out the word “and” at the end of paragraph (c) thereof, and by adding thereto the following paragraphs:

- “(e) the precautions to be taken by persons engaged in the loading, unloading or stowing of such goods;
- (f) the precautions to be taken by persons on or in the vicinity of any ship loading, unloading or carrying such goods;
- (g) the powers of a steamship inspector in respect of any ship loading, unloading or stowing such goods; and
- (h) such other requirement respecting the inspection of a ship carrying any such goods as he deems necessary.”

24. Subsection (1) of section 478 of the said Act is repealed and the following substituted therefor: 1956, c. 34, s. 19.

“478. (1) Where a dredge, rock drill, floating elevator, floating pile driver or like ship or vessel which is not self-propelling is fitted with a boiler or compressed air tank operating at pressure in excess of fifteen pounds per square inch, such boiler or compressed air tank is subject to inspection in a like manner and under the same conditions as a boiler or compressed air tank in a steamship; every such vessel is required to have a certificate of inspection in a form approved by the Minister and is subject to all the provisions of this Part in respect of payment of fees, detention and penalties. Boilers on dredges, etc., subject to inspection.

(1a) Every dredge, rock drill, floating elevator, floating pile driver or like ship or vessel which is not self-propelling shall carry life saving and fire extinguishing equipment in accordance with the regulations made under this Part.” Dredges, etc., to carry life saving and fire extinguishing equipment.

25. Sections 480 and 481 of the said Act are repealed and the following substituted therefor:

“480. (1) Subject to subsection (2), pleasure yachts are exempt from annual inspection and from the regulations made under section 410 other than those regulations respecting Regulations affecting pleasure yachts.

- (a) the construction of equipment and the class and quantity of various types of equipment to be carried;
- (b) precautions against fire;
- (c) the construction of hulls; and
- (d) marking to show recommended safe limits for engine power and gross load capacity.

(2) Every pleasure yacht in excess of five tons gross tonnage that is fitted with a boiler for purposes of propulsion is subject to the requirements of this Part relating to the annual inspection of boilers. Idem.

481. Steamships not in excess of five tons gross tonnage that do not carry more than twelve passengers and that are not pleasure yachts are exempt from annual inspection and from the regulations made under section 410 other than those respecting 1956, c. 34, s. 21. Exemption of certain steamships from regulations.

- (a) the construction of equipment and the class and quantity of various types of equipment to be carried; and
- (b) precautions against fire.”

1956, c. 34,
s. 22.

26. Subsections (1) and (2) of section 482 of the said Act are repealed and the following substituted therefor:

Exemption.

“482. (1) Subject to the provisions of subsection (2), steamships in excess of five tons gross tonnage, and not in excess of one hundred and fifty tons gross tonnage, which are not passenger steamships, are exempt from the provisions of this Part relating to annual inspection and in lieu therefor shall be inspected every fourth year, and such steamships, if fitted with a boiler operating at a pressure in excess of fifteen pounds per square inch, are in addition to such inspection every fourth year subject to inspection of their boilers, life saving equipment and fire extinguishing equipment annually, in like manner and as if they were steamships in excess of one hundred and fifty tons gross tonnage.

Idem.

(2) Steamships not in excess of fifteen tons gross tonnage, which are not passenger steamships, are exempt from inspection except that such steamships, if fitted with a boiler operating at a pressure in excess of fifteen pounds per square inch, are subject to inspection of their boilers, life saving equipment and fire extinguishing equipment as provided for in subsection (1).”

27. The said Act is further amended by adding thereto, immediately after section 491 thereof, the following section:

Directions
for payment
to muni-
cipality.

“491A. Notwithstanding section 491, where a provincial, municipal or local authority bears in whole or in part the expense of prosecuting a violation of this Part in respect of which a fine is imposed, the court, justice of the peace or magistrate imposing the fine may direct that the proceeds of such fine be paid to that authority.”

1956, c. 34,
s. 25.

28. The said Act is further amended by striking out the heading immediately preceding section 495A and substituting therefor the following heading:

“POLLUTION OF THE WATER AND AIR.”

29. The said Act is further amended by adding thereto, immediately after section 495A thereof, the following section:

Regulations.

“495B. The Governor in Council may make regulations
(a) for regulating and preventing the pollution of the air by products of combustion from ships, and
(b) prescribing a fine not exceeding five hundred dollars or imprisonment not exceeding six months or both fine and imprisonment to be imposed upon summary conviction as a penalty for violation of a regulation made under this section.”

30. The said Act is further amended by adding thereto, immediately after section 616A thereof, the following section:

“616B. (1) The Minister may appoint a person to carry out the duties of a port warden for a harbour or district not designated by the Governor in Council as a harbour or district at which a port warden may be appointed.

Appointment of persons to act as wardens at ports not designated by Governor in Council.

(2) All acts done by or before such person have the same effect as if done by or before a port warden.

Legal effect of acts.

(3) All fees received under this Part by a person appointed under this section shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund.”

Fees.

31. Subsection (1) of section 647 of the said Act is repealed and the following substituted therefor:

“647. (1) Every owner, master and person having the conduct of a vessel or raft shall obey the Collision Regulations as modified by any local rule pursuant to section 646, and shall not carry or exhibit any other lights, or use any other fog signals, than such as are required by the Collision Regulations as so modified.”

Observance of regulations.

32. Section 657 of the said Act is repealed and the following substituted therefor:

“657. (1) For the purpose of sections 657 to 663

- (a) “ship” includes any structure launched and intended for use in navigation as a ship or as a part of a ship; and
- (b) “gold franc” means a unit consisting of sixty-five and one half milligrams of gold of millesimal fineness 900.

“Ship” and “gold franc” defined.

(2) The owner of a ship, whether registered in Canada or not, is not, where any of the following events occur without his actual fault or privity, namely:

Limitation of liability of ship owners.

- (a) where any loss of life or personal injury is caused to any person on board that ship;
- (b) where any damage or loss is caused to any goods, merchandise or other things whatsoever on board that ship;
- (c) where any loss of life or personal injury is caused to any person not on board that ship through
- (i) the act or omission of any person, whether on board the ship or not, in the navigation or management of the ship, in the loading, carriage

- or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers, or
- (ii) any other act or omission of any person on board that ship; or

(d) where any loss or damage is caused to any property, other than property described in paragraph (b), or any rights are infringed through

- (i) the act or omission of any person, whether on board that ship or not, in the navigation or management of the ship, in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers, or
- (ii) any other act or omission of any person on board that ship;

liable for damages beyond the following amounts, namely:

(e) in respect of any loss of life or personal injury, either alone or together with any loss or damage to property or any infringement of any rights mentioned in paragraph (d), an aggregate amount equivalent to 3,100 gold francs for each ton of that ship's tonnage; and

(f) in respect of any loss or damage to property or any infringement of any rights mentioned in paragraph (d), an aggregate amount equivalent to 1,000 gold francs for each ton of that ship's tonnage.

Distinct occasions of damage.

(3) The limits on the liability of an owner of a ship set by this section apply in respect of each distinct occasion on which any of the events mentioned in paragraphs (a) to (d) of subsection (2) occur without that owner's actual fault or privity, and without regard to any liability incurred by that owner in respect of that ship on any other occasion.

Contract of service not affected.

(4) This section does not apply to limit the liability of an owner of a ship in respect of any loss of life or personal injury caused to, any loss of or damage to property or any infringement of any right of, a person who is employed on board or in connection with a ship under a contract of service if that contract is governed by the law of any country other than Canada and that law does not set any limit to that liability or sets a limit exceeding that set by this section."

33. Subsection (1) of section 658 of the said Act is repealed and the following substituted therefor:

Power of court to consolidate claims.

"**658.** (1) Where any liability is alleged to have been incurred by the owner of a ship in respect of any loss of life or personal injury, any loss of or damage to property or any infringement of any right in respect of which his

liability is limited by section 657 and several claims are made or apprehended in respect of that liability a judge of the Exchequer Court may, on the application of that owner, determine the amount of his liability and distribute that amount rateably among the several claimants; such judge may stay any proceedings pending in any court in relation to the same matter, and he may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the owner, and as to payment of any costs, as the Court thinks just."

34. Section 659 of the said Act is repealed and the following substituted therefor:

"**659.** The provisions of sections 657 and 658 extend and apply to

Extension of
limitation of
liability.

- (a) the charterer of a ship;
- (b) any person having an interest in or possession of a ship from and including the launching thereof; and
- (c) the manager or operator of a ship

where any of the events mentioned in paragraphs (a) to (d) of subsection (2) of section 657 occur without their actual fault or privity, and to any person acting in the capacity of master or member of the crew of a ship and to any servant of the owner or of any person described in paragraphs (a) to (c) where any of the events mentioned in paragraphs (a) to (d) of subsection (2) of section 657 occur, whether with or without his actual fault or privity."

35. Subsection (1) of section 660 of the said Act is repealed and the following substituted therefor:

"**660.** (1) The owners of any dock or canal, or a harbour commission, are not, where without their actual fault or privity any loss or damage is caused to any vessel or vessels, or to any goods, merchandise, or other things whatsoever on board any vessel or vessels, liable to damages beyond an aggregate amount equivalent to one thousand gold francs for each ton of the tonnage of the largest registered British ship that, at the time of such loss or damage occurring is, or within a period of five years previous thereto has been, within the area over which such dock, or canal owner, or harbour commission performs any duty or exercises any power, a ship shall not be deemed to have been within the area over which a harbour commission performs any duty or exercises any power by reason only that it has been built or fitted out within such area, or that it has taken shelter

Limitation
of liability
of dock,
canal and
harbour
owners or
conservators.

within or passed through such area on a voyage between two places both situated outside that area, or that it has loaded or unloaded mails or passengers within that area.”

36. Section 661 of the said Act is repealed and the following substituted therefor:

Tonnage
of small
vessel.

“**661.** For the purposes of sections 657 and 660, the tonnage of any ship that is less than three hundred tons shall be deemed to be three hundred tons.”

37. (1) Subsection (2) of section 662 of the said Act is repealed and the following substituted therefor:

Not to
include space
occupied
by seamen.

“(2) There shall not be included in such tonnage any space occupied by seamen or apprentices and appropriated to their use which is certified under the regulations made pursuant to section 234.”

(2) Subsection (4) of section 662 of the said Act is repealed and the following substituted therefor:

Ship
incapable of
Canadian
measurement.

“(4) In the case of any ship, which is incapable of being measured under the law of Canada, the Minister shall, on receiving from or by direction of the court hearing the case, such evidence concerning the dimensions of the ship as it is found practicable to furnish, give a certificate under his hand stating what would, in his opinion, have been the tonnage of such ship if she had been duly measured according to the law of Canada; and the tonnage so stated in such certificate shall, for the purposes of sections 657 and 660, be deemed to be the tonnage of such ship.”

38. Section 687 of the said Act is repealed and the following substituted therefor:

Appeal.

“**687.** A person convicted summarily of an offence under this Act may appeal his conviction, and the provisions of the *Criminal Code* respecting appeals from summary convictions shall apply to such appeal.”

39. Subsection (2) of section 705 of the said Act is repealed and the following substituted therefor:

Certified
copies
admissible.

“(2) A copy of any such document or extract therefrom is also admissible in evidence if proved to be an examined copy or extract, or if it purports to be signed and certified as a true copy or extract by the officer to whose custody the original document was entrusted, and that officer shall furnish such certified copy or extract to any person applying at a reasonable time for the same.”

40. Subsection (1) of section 707 of the said Act is repealed and the following substituted therefor:

“707. (1) Where a fine is imposed under this Act for which no specific application is provided, the court, justice of the peace or magistrate imposing the fine may direct that the whole or any portion of it may

Application
of
penalties.

- (a) be applied in compensating any person for any wrong or damage that may have been sustained by the act or default in respect of which the fine is imposed;
- (b) be applied in or towards payment of the expenses of the proceedings; or
- (c) be paid to the provincial, municipal or local authority bearing in whole or in part the expense of prosecuting the violation of this Act in respect of which the fine was imposed.”

41. The Eighth Schedule to the said Act is repealed.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 33

An Act to amend the Export Credits Insurance Act.

[Assented to 22nd June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., c. 105;
1953-54, c. 15;
1957, c. 8;
1957-58, c. 15;
1959, c. 24.

1. Section 21 of the *Export Credits Insurance Act* is amended by adding thereto the following subsections:

1959, c. 24, s. 4.

“(3) The liability of the Corporation under contracts of insurance entered into under this section and outstanding shall not at any time exceed two hundred million dollars and shall not be included in the liability of the Corporation for the purposes of section 14.

Limit of liability under contracts.

(4) The Corporation shall maintain a separate account of all receipts and disbursements arising out of contracts entered into under this section and shall, if the Minister of Finance so directs, pay to the Receiver General of Canada any part of such receipts that the Minister considers to be in excess of the amount required to meet the expenses and overhead of the Corporation arising out of such contracts.

Separate account.

(5) All moneys received by the Corporation by way of recovery of any amount paid by the Corporation in discharge of its liability under a contract of insurance entered into under this section shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund.”

Moneys received.

2. (1) Subsections (1) and (2) of section 21A of the said Act are repealed and the following substituted therefor:

1959, c. 24,
s. 5.

“21A. (1) In this section,

Definitions.

(a) “export transaction” means a transaction within the meaning of subsection (1) of section 13;

“Export transaction.”

- "Guaranteed instrument." (b) "guaranteed instrument" means an instrument payment of which is guaranteed by the Corporation under this section;
- "Importer." (c) "importer" means a person carrying on business or other activities outside Canada; and
- "Instrument." (d) "instrument" means a promissory note, bill of exchange or other negotiable instrument payable by an importer.

- Power to guarantee, etc.
- (2) When authorized by the Governor in Council, the Corporation may,
- (a) guarantee, by an appropriate endorsement or otherwise, the payment of an instrument given by an importer under or in respect of an export transaction;
 - (b) purchase a guaranteed instrument;
 - (c) lend money to the holder of a guaranteed instrument upon the security thereof; and
 - (d) sell a guaranteed instrument to any person."

(2) Section 21A of the said Act is further amended by adding thereto the following subsections:

Limit of liability under guarantees. "(4) The liability of importers under all outstanding guaranteed instruments shall not at any time exceed two hundred million dollars.

Separate account. (5) The Corporation shall maintain a separate account of all receipts and disbursements arising out of business transacted under this section and shall, if the Minister of Finance so directs, pay to the Receiver General of Canada any part of such receipts that the Minister considers to be in excess of the amount required to meet the expenses and overhead of the Corporation arising out of such business.

- Moneys received. (6) All moneys received by the Corporation
- (a) in discharge of the liability of an importer under an instrument;
 - (b) from the sale of a guaranteed instrument; or
 - (c) pursuant to a loan made by the Corporation upon the security of a guaranteed instrument;

less any part thereof that the Minister considers to be required to meet the expenses and overhead of the Corporation arising out of business transacted under this section, shall be paid to the Receiver General of Canada and shall form part of the Consolidated Revenue Fund."

1959, c. 24, s. 5. **3.** Section 21B of the said Act is repealed and the following substituted therefor:

“21B. All orders in council made under sections 21 and 21A while Parliament is in session shall be laid before Parliament during such session within thirty days of the date of their making and, if made while Parliament is not in session, shall be laid before Parliament within thirty days after the commencement of the next ensuing session.”

Orders to be
laid before
Parliament.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 34

An Act to amend the Government Property Traffic Act.

[Assented to 22nd June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— R.S., c. 324.

1. Subsection (1) of section 2 of the *Government Property Traffic Act* is amended by striking out the word “and” after paragraph (f) thereof and by repealing paragraph (g) thereof and substituting therefor the following paragraphs:

- “(g) prescribing a fine not exceeding five hundred dollars or a term of imprisonment not exceeding six months, or both such fine and term of imprisonment, to be imposed upon summary conviction as a penalty for the violation of any regulation, except that for the violation of any regulation governing the parking of vehicles the penalty prescribed shall be a fine not exceeding fifty dollars; and
- (h) providing for the voluntary payment of fines and for prohibiting persons who have violated any regulation from driving a vehicle on such lands for any period not exceeding one year.”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 35

An Act to provide for the Control of Narcotic Drugs.

[Assented to 22nd June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

- | | |
|---|--------------------|
| 1. This Act may be cited as the <i>Narcotic Control Act</i> . | Short title. |
| 2. In this Act, | Definitions. |
| (a) “analyst” means a person designated as an analyst under the <i>Food and Drugs Act</i> or under this Act; | “Analyst.” |
| (b) “conveyance” includes any aircraft, vessel, motor vehicle or other conveyance of any description whatever; | “Conveyance.” |
| (c) “marihuana” means <i>Cannabis sativa</i> L.; | “Marihuana.” |
| (d) “Minister” means | “Minister.” |
| (i) with respect to Part I, the Minister of National Health and Welfare, and | |
| (ii) with respect to Part II, the Minister of Justice; | |
| (e) “narcotic” means any substance included in the Schedule or anything that contains any substance included in the Schedule; | “Narcotic.” |
| (f) “narcotic addict” means a person who through the use of narcotics, | “Narcotic addict.” |
| (i) has developed a desire or need to continue to take a narcotic, or | |
| (ii) has developed a psychological or physical dependence upon the effect of a narcotic; | |
| (g) “opium poppy” means <i>Papaver somniferum</i> L.; | “Opium poppy.” |
| (h) “possession” means possession as defined in the <i>Criminal Code</i> ; and | “Possession.” |
| (i) “traffic” means | “Traffic.” |
| (i) to manufacture, sell, give, administer, transport, send, deliver or distribute, or | |

(ii) to offer to do anything mentioned in subparagraph (i) otherwise than under the authority of this Act or the regulations.

PART I.

OFFENCES AND ENFORCEMENT.

Particular Offences.

Possession of narcotic.

3. (1) Except as authorized by this Act or the regulations, no person shall have a narcotic in his possession.

Offence.

(2) Every person who violates subsection (1) is guilty of an indictable offence and is liable to imprisonment for seven years.

Trafficking in narcotics.

4. (1) No person shall traffic in a narcotic or any substance represented or held out by him to be a narcotic.

Possession for purpose of trafficking.

(2) No person shall have in his possession any narcotic for the purpose of trafficking.

Offence.

(3) Every person who violates subsection (1) or (2) is guilty of an indictable offence and is liable to imprisonment for life.

Importation of narcotic.

5. (1) Except as authorized by this Act or the regulations, no person shall import into Canada or export from Canada any narcotic.

Offence.

(2) Every person who violates subsection (1) is guilty of an indictable offence and is liable to imprisonment for life but not less than seven years.

Cultivation of opium poppy or marihuana.

6. (1) No person shall cultivate opium poppy or marihuana except under authority of and in accordance with a licence issued to him under the regulations.

Offence.

(2) Every person who violates subsection (1) is guilty of an indictable offence and is liable to imprisonment for seven years.

Destruction of plant.

(3) The Minister may cause to be destroyed any growing plant of opium poppy or marihuana cultivated otherwise than under authority of and in accordance with a licence issued under the regulations.

Prosecutions.

Burden of proving exception, etc.

7. (1) No exception, exemption, excuse or qualification prescribed by law is required to be set out or negatived, as the case may be, in an information or indictment for an offence under this Act or under section 406, 407 or 408 of the *Criminal Code* in respect of an offence under this Act.

(2) In any prosecution under this Act the burden of proving that an exception, exemption, excuse or qualification prescribed by law operates in favour of the accused is on the accused, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, excuse or qualification does not operate in favour of the accused, whether or not it is set out in the information or indictment. Idem.

8. In any prosecution for a violation of subsection (2) of section 4, if the accused does not plead guilty, the trial shall proceed as if it were a prosecution for an offence under section 3, and after the close of the case for the prosecution and after the accused has had an opportunity to make full answer and defence, the court shall make a finding as to whether or not the accused was in possession of the narcotic contrary to section 3; if the court finds that the accused was not in possession of the narcotic contrary to section 3, he shall be acquitted but if the court finds that the accused was in possession of the narcotic contrary to section 3, he shall be given an opportunity of establishing that he was not in possession of the narcotic for the purpose of trafficking, and thereafter the prosecutor shall be given an opportunity of adducing evidence to establish that the accused was in possession of the narcotic for the purpose of trafficking; if the accused establishes that he was not in possession of the narcotic for the purpose of trafficking, he shall be acquitted of the offence as charged but he shall be convicted of an offence under section 3 and sentenced accordingly; and if the accused fails to establish that he was not in possession of the narcotic for the purpose of trafficking, he shall be convicted of the offence as charged and sentenced accordingly. Procedure in prosecution for trafficking.

9. In any prosecution for an offence mentioned in subsection (1) of section 7, a certificate of an analyst stating that he has analyzed or examined a substance and stating the result of his analysis or examination is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate. Certificate of analyst.

Search, Seizure and Forfeiture.

10. (1) A peace officer may, at any time, Search and seizure.
 (a) without a warrant enter and search any place other than a dwelling house, and under the authority of a Writ of Assistance or a warrant issued under this section, enter and search any dwelling house in

which he reasonably believes there is a narcotic by means of or in respect of which an offence under this Act has been committed;

- (b) search any person found in such place; and
- (c) seize and take away any narcotic found in such place, any thing in such place in which he reasonably suspects a narcotic is contained or concealed, or any other thing by means of or in respect of which he reasonably believes an offence under this Act has been committed or that may be evidence of the commission of such an offence.

Warrant to search dwelling house.

(2) A magistrate who is satisfied by information upon oath that there are reasonable grounds for believing that there is a narcotic, by means of or in respect of which an offence under this Act has been committed, in any dwelling house may issue a warrant under his hand authorizing a peace officer named therein at any time to enter the dwelling house and search for narcotics.

Writ of Assistance.

(3) A judge of the Exchequer Court of Canada shall, upon application by the Minister, issue a Writ of Assistance authorizing and empowering the person named therein, aided and assisted by such person as the person named therein may require, at any time, to enter any dwelling house and search for narcotics.

Powers of peace officer.

(4) For the purpose of exercising his authority under this section, a peace officer may, with such assistance as he deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, plumbing fixture, box, container or any other thing.

Application for restoration.

(5) Where a narcotic or other thing has been seized under subsection (1), any person may, within two months from the date of such seizure, upon prior notification having been given to the Crown in the manner prescribed by the regulations, apply to a magistrate within whose territorial jurisdiction the seizure was made for an order of restoration under subsection (6).

Order of restoration.

(6) Subject to subsections (8) and (9), where upon the hearing of an application made under subsection (5) the magistrate is satisfied

- (a) that the applicant is entitled to possession of the narcotic or other thing seized, and
- (b) that the thing so seized is not or will not be required as evidence in any proceedings in respect of an offence under this Act,

he shall order that the thing so seized be restored forthwith to the applicant, and where the magistrate is satisfied that the applicant is entitled to possession of the thing so seized

but is not satisfied as to the matters mentioned in paragraph (b), he shall order that the thing so seized be restored to the applicant

- (c) upon the expiration of four months from the date of the seizure, if no proceedings in respect of an offence under this Act have been commenced before that time, or
- (d) upon the final conclusion of any such proceedings, in any other case.

(7) Where no application has been made for the return of any narcotic or other thing seized under subsection (1) within two months from the date of such seizure, or an application therefor has been made but upon the hearing thereof no order of restoration is made, the thing so seized shall be delivered to the Minister who may make such disposition thereof as he thinks fit.

Where no application made.

(8) Where a person has been convicted of an offence under section 3, 4 or 5, any narcotic seized under subsection (1), by means of or in respect of which the offence was committed, any money so seized that was used for the purchase of that narcotic and any hypodermic needle, syringe, capping machine or other apparatus so seized that was used in any manner in connection with the offence is forfeited to Her Majesty and shall be disposed of as the Minister directs.

Forfeiture of narcotic upon conviction.

(9) Where a person has been convicted of an offence under section 4 or 5, the court may, upon application by counsel for the Crown, order that any conveyance seized under subsection (1) that has been proved to have been used in any manner in connection with the offence be forfeited, and upon such order being made the conveyance is forfeited to Her Majesty and, except as provided in section 11, shall upon the expiration of thirty days from the date of such forfeiture be disposed of as the Minister directs.

Forfeiture of conveyance upon application.

11. (1) Where any conveyance is forfeited to Her Majesty under subsection (9) of section 10, any person (other than a person convicted of the offence that resulted in the forfeiture or a person in whose possession the conveyance was when seized) who claims an interest therein as owner, mortgagee, lienholder or holder of any like interest may, within thirty days after such forfeiture, apply by notice in writing to a judge for an order under subsection (4).

Application by person claiming interest.

(2) The judge to whom an application is made under subsection (1) shall fix a day not less than thirty days after the date of filing of the application for the hearing thereof.

Date of hearing.

Notice.

(3) The applicant shall serve a notice of the application and of the hearing upon the Minister at least fifteen days before the day fixed for the hearing.

Order by judge.

(4) Where, upon the hearing of an application, it is made to appear to the satisfaction of the judge,

(a) that the applicant is innocent of any complicity in the offence that resulted in the forfeiture and of any collusion in relation to that offence with the person who was convicted thereof; and

(b) that the applicant exercised all reasonable care in respect of the person permitted to obtain possession of the conveyance to satisfy himself that it was not likely to be used in connection with the commission of an unlawful act or, in the case of a mortgagee or lienholder, that he exercised such care with respect to the mortgagor or lien-giver,
the applicant is entitled to an order declaring that his interest is not affected by such forfeiture and declaring the nature and extent of his interest.

Appeal.

(5) The applicant or the Minister may appeal to the court of appeal from an order made under subsection (4) and the appeal shall be asserted, heard and decided according to the ordinary procedure governing appeals to the court of appeal from orders or judgments of a judge.

Application to Minister.

(6) The Minister shall, upon application made to him by any person who has obtained a final order under this section,

(a) direct that the conveyance to which the interest of the applicant relates be returned to the applicant; or

(b) direct that an amount equal to the value of the interest of the applicant, as declared in the order, be paid to him.

(7) In this section,

“Judge” defined.

(a) “judge” means

(i) in the Province of Quebec, a judge of the Superior Court for the district in which the conveyance in respect of which an application for an order under this section is made, was seized,

(ii) in the Province of Newfoundland, a judge of the Supreme Court of Newfoundland,

(iii) in the Yukon and Northwest Territories, a judge of the Territorial Court, and

(iv) in any province not referred to in subparagraphs (i) to (iii), a judge of the county or district court for the county or district in which any such conveyance was seized; and

- (b) "court of appeal" means, in the province in which an order under this section is made, the court of appeal for that province as defined in paragraph (9) of section 2 of the *Criminal Code*. "Court of appeal" defined.

General.

12. The Governor in Council may make regulations Regulations.

- (a) providing for the issue of licences
- (i) for the importation, export, sale, manufacture, production or distribution of narcotics, and
 - (ii) for the cultivation of opium poppy or marihuana;
- (b) prescribing the form, duration and terms and conditions of any licence described in paragraph (a) and the fees payable therefor, and providing for the cancellation and suspension of such licences;
- (c) authorizing the sale or possession of or other dealing in narcotics and prescribing the circumstances and conditions under which and the persons by whom narcotics may be sold, had in possession or otherwise dealt in;
- (d) requiring physicians, dentists, veterinarians, pharmacists and other persons who deal in narcotics as authorized by this Act or the regulations to keep records and make returns;
- (e) authorizing the communication of any information obtained under the provisions of this Act or the regulations to provincial professional licensing authorities;
- (f) prescribing the punishment by a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or both, to be imposed upon summary conviction for breach of any regulation; and
- (g) generally, for carrying out the purposes and provisions of this Act.

13. The Governor in Council may designate any person as an analyst for the purpose of this Act. Designation of analyst.

14. The Governor in Council may, from time to time, amend the Schedule by adding thereto or deleting therefrom any substance, the inclusion or exclusion of which, as the case may be, is deemed necessary by him in the public interest. Amendment of Schedule.

PART II.

PREVENTIVE DETENTION AND CUSTODY FOR TREATMENT.

Sentence of preventive detention.

15. Where a person is convicted of an offence under section 4 or 5, the court shall, if that person

(a) has been previously convicted on at least one separate and independent occasion of an offence under section 4 or 5 of this Act or an offence under subsection (3) of section 4 of the *Opium and Narcotic Drug Act*, or

(b) has been previously sentenced to preventive detention under this section,

impose a sentence of preventive detention in a penitentiary for an indeterminate period, in lieu of any other sentence that might be imposed for the offence of which he was convicted.

Remand for observation and examination.

16. Where any person is charged with an offence under section 3, 4 or 5, the court or any judge having jurisdiction to try the offence may, upon application by counsel for the Crown, or upon application by the person charged with the offence or by counsel for such person, either before or after such person is committed for trial and before any sentence that might be imposed for the offence is passed, remand such person, by order in writing, to such custody as the court directs for observation and examination for a period not exceeding seven days.

Sentence to custody for treatment.

17. (1) Where a person who has been remanded to custody for observation and examination pursuant to section 16 is convicted of the offence in respect of which he was remanded to such custody, the court shall, before passing sentence, consider the evidence arising out of the observation and examination, including the evidence of at least one duly qualified medical practitioner and such other evidence as may be adduced, and where the court is satisfied, upon consideration of such evidence, that the convicted person is a narcotic addict, the court shall, notwithstanding anything in section 15, sentence him to custody for treatment for an indeterminate period, in lieu of any other sentence that might be imposed for the offence of which he was convicted.

Appeal against sentence to custody for treatment.

(2) A person who is sentenced to custody for treatment for an indeterminate period under this section may appeal to the court of appeal against the sentence on any ground of law or fact or mixed law and fact.

Application of *Criminal Code*.

(3) The provisions of section 667 of the *Criminal Code* with respect to appeals against a sentence of preventive

detention apply *mutatis mutandis* to an appeal under this section.

18. (1) Where a person is sentenced to custody for treatment for an indeterminate period, he shall be confined for treatment in an institution maintained and operated pursuant to the *Penitentiary Act*. Confinement for treatment.

(2) A person who is sentenced to custody for treatment for an indeterminate period is subject to the *Parole Act* and, for all purposes of that Act, shall be deemed Application of *Parole Act*.

(a) during his period of confinement to be an inmate within the meaning of that Act, and

(b) upon release under certificate of the Parole Board, to be a paroled inmate within the meaning of that Act.

(3) A sentence of custody for treatment for an indeterminate period, where the person so sentenced has not, at any time before the conviction resulting in the sentence, been convicted of an offence under this Act or an offence under the *Opium and Narcotic Drug Act*, expires at the end of such period, not exceeding ten years from the date of his release under certificate of the Parole Board, as may be fixed by the Parole Board, unless before that time his parole is forfeited or revoked. Limitation.

19. (1) Where the legislature of a province enacts legislation that is designed to provide custody for treatment for persons who, although not charged with the offence of possession of a narcotic, are narcotic addicts, the Minister may enter into an agreement with the province, subject to the approval of the Governor in Council, for the confinement and treatment of such persons in institutions maintained and operated pursuant to the *Penitentiary Act* and for the release and supervision of such persons pursuant to the *Parole Act*. Agreement with province.

(2) A narcotic addict who is committed to custody for treatment pursuant to an Act of the legislature of a province shall be deemed, for the purposes of the *Penitentiary Act* and the *Parole Act*, to have been sentenced to custody for treatment under this Act. Idem.

REPEAL AND COMING INTO FORCE.

20. The *Opium and Narcotic Drug Act*, chapter 201 of the Revised Statutes of Canada, 1952 is repealed. Repeal.

21. This Act or any provision thereof shall come into force on a day or days to be fixed by proclamation of the Governor in Council. Coming into force.

SCHEDULE.

1. Opium Poppy (*Papaver somniferum*) its preparations, derivatives, alkaloids and salts, including:

- (1) Opium,
- (2) Codeine (methyilmorphine),
- (3) Morphine,
- (4) Thebaine,

and their preparations, derivatives and salts, including:

- (5) Acetyldihydrocodeine,
- (6) Benzylmorphine,
- (7) Desomorphine (dihydrodeoxymorphine),
- (8) Diacetylmorphine (heroin),
- (9) Dihydrocodeine,
- (10) Dihydromorphine,
- (11) Ethylmorphine,
- (12) Hydrocodone (dihydrocodeinone),
- (13) Hydromorphone (dihydromorphinone),
- (14) Hydromorphinol (dihydro-14-hydroxymorphine),
- (15) Methyldesorphine (Δ^6 -deoxy-6-methyilmorphine),
- (16) Methyldihydromorphine (dihydro-6-methyilmorphine),
- (17) Metopon (dihydromethyilmorphinone),
- (18) Morphine-N-oxide (morphine N-oxide),
- (19) Myrophine (benzylmorphine myristate),
- (20) Nalorphine (N-allylnormorphine),
- (21) Nicomorphine (dinicotinylmorphine),
- (22) Norcodeine,
- (23) Normorphine,
- (24) Oxycodone (dihydrohydroxycodeinone),
- (25) Oxymorphone (dihydrohydroxymorphinone),
- (26) Pholcodine (β -4-morpholinoethylmorphine), and
- (27) Thebacon (acetyldihydrocodeinone),

but not including:

- (28) Apomorphine,
- (29) Papaverine,
- (30) Narcotine, and
- (31) Poppy seed.

2. Coca (*Erythroxylon*), its preparations, derivatives, alkaloids and salts, including:

- (1) Coca leaves,
- (2) Cocaine, and
- (3) Ecgonine (3-hydroxy-2-tropane carboxylic acid).

3. *Cannabis sativa*, its preparations, derivatives and similar synthetic preparations, including:

- (1) Cannabis resin,
- (2) Cannabis (marihuana),
- (3) Cannabidiol,

SCHEDULE—*Continued*

- (4) Cannabinol (3-n-amyl-6,6,9-trimethyl-6-dibenzopyran-1-ol),
- (5) Pyrahexyl (3-n-hexyl-6,6,9-trimethyl-7,8,9,10-tetrahydro-6-dibenzopyran-1-ol), and
- (6) Tetrahydrocannabinol.

4. Phenylpiperidines, their preparations, derivatives and salts, including:

- (1) Allylprodine (3-allyl-1-methyl-4-phenyl-4-piperidyl propionate),
- (2) Alphameprodine (α -3-ethyl-1-methyl-4-phenyl-4-piperidyl propionate),
- (3) Alphaprodine (α -1,3-dimethyl-4-phenyl-4-piperidyl propionate),
- (4) Anileridine (ethyl 1-[2-(p-aminophenyl)ethyl]-4-phenylpiperidine-4-carboxylate),
- (5) Betameprodine (β -3-ethyl-1-methyl-4-phenyl-4-piperidyl propionate),
- (6) Betaprodine (β -1,3-dimethyl-4-phenyl-4-piperidyl propionate),
- (7) Benzethidine (ethyl 1-(2-benzyloxyethyl)-4-phenylpiperidine-4-carboxylate),
- (8) Diphenoxylate (ethyl 1-(3-cyano-3,3-diphenylpropyl)-4-phenylpiperidine-4-carboxylate),
- (9) Etoperidine (ethyl 1-[2-(2-hydroxyethoxy)ethyl]-4-phenylpiperidine-4-carboxylate),
- (10) Furethidine (ethyl 1-(2-tetrahydrofurfuryloxyethyl)-4-phenylpiperidine-4-carboxylate),
- (11) Hydroxypethidine (ethyl 4-(m-hydroxyphenyl)-1-methyl-4-phenylpiperidine-4-carboxylate),
- (12) Ketobemidone (1-[4-(m-hydroxyphenyl)-1-methyl-4-piperidyl]-1-propanone),
- (13) Morpheridine (ethyl 1-(2-morpholinoethyl)-4-phenylpiperidine-4-carboxylate),
- (14) Pethidine (ethyl 1-methyl-4-phenylpiperidine-4-carboxylate),
- (15) Phenoperidine (ethyl 1-(3-hydroxy-3-phenylpropyl)-4-phenylpiperidine-4-carboxylate),
- (16) Piminodine (ethyl 1-[3-(phenylamino)propyl]-4-phenylpiperidine-4-carboxylate),
- (17) Properidine (isopropyl 1-methyl-4-phenylpiperidine-4-carboxylate), and
- (18) Trimeperidine (1, 2, 5-trimethyl-4-phenyl-4-piperidyl propionate).

SCHEDULE—*Continued*

5. Phenazepines, their preparations, derivatives and salts, including:

- (1) proheptazine (hexahydro-1, 3-dimethyl-4-phenyl-4-azepinyl propionate), but not including:
- (2) Ethoheptazine (ethyl hexahydro-1-methyl-4-phenyl-4-azepinecarboxylate).

6. Amidones, their preparations, derivatives and salts, including:

- (1) Dipipanone (4, 4-diphenyl-6-piperidino-3-heptanone),
- (2) Isomethadone (6-dimethylamino-5-methyl-4, 4-diphenyl-3-hexanone),
- (3) Methadone (6-dimethylamino-4,4-diphenyl-3-heptanone),
- (4) Normethadone (6-dimethylamino-4,4-diphenyl-3-hexanone), and
- (5) Phenadoxone (6-morpholino-4, 4-diphenyl-3-heptanone).

7. Methadols, their preparations, derivatives and salts, including:

- (1) Acetylmethadol (6-dimethylamino-4, 4-diphenyl-3-heptanolacetate),
- (2) Alphacetylmethadol (α -6-dimethylamino-4, 4-diphenyl-3-heptanol acetate),
- (3) Alphamethadol (α -6-dimethylamino-4, 4-diphenyl-3-heptanol acetate),
- (4) Betacetylmethadol (β -6-dimethylamino-4,4-diphenyl-3-heptanol acetate),
- (5) Betamethadol (β -6-dimethylamino-4, 4-diphenyl-3-heptanol), and
- (6) Dimepheptanol (6-dimethylamino-4, 4-diphenyl-3-heptanol).

8. Phenalkoxams, their preparations, derivatives and salts, including:

- (1) Dimenoxadol (dimethylaminoethyl 1-ethoxy-1,1-diphenylacetate),
- (2) Dioxaphetyl butyrate (ethyl 2,2-diphenyl-4-morpholinobutyrate), and
- (3) Propoxyphene (4-dimethylamino-3-methyl-1, 2-diphenyl-2-butanol propionate).

9. Thiambutenes, their preparations, derivatives and salts, including:

- (1) Diethylthiambutene (N,N-diethyl-1-methyl-3,3-di-2-thienylallylamine),
- (2) Dimethylthiambutene (N,N,1-trimethyl-3,3-di-2-thienylallylamine), and
- (3) Ethylmethylthiambutene (N-ethyl-N,1-dimethyl-3,3-di-2-thienylallylamine).

SCHEDULE—Continued

10. Moramides, their preparations, derivatives and salts, including:

- (1) Dextromoramide (*d*-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl) pyrrolidine),
- (2) Levomoramide (*l*-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl) pyrrolidine), and
- (3) Racemoramide (*d,l*-1-(3-methyl-4-morpholino-2,2-diphenylbutyryl) pyrrolidine).

11. Morphinans, their preparations, derivatives and salts, including:

- (1) Levomethorphan (*l*-1,2,3,9,10,10a-hexahydro-6-methoxy-11-methyl-4H-10,4a-iminoethanophenanthrene),
- (2) Levorphanol (*l*-1,2,3,9,10,10a-hexahydro-11-methyl-4H-10,4a-iminoethanophenanthren-6-ol),
- (3) Levophenacylmorphane (*l*-1,2,3,9,10,10a-hexahydro-11-phenacyl-4H-10,4a-iminoethanophenanthro-6-ol),
- (4) Norlevorphanol (*l*-1,2,3,9,10,10a-hexahydro-4H-10,4a-iminoethanophenanthren-6-ol),
- (5) Phenomorphan (*d,l*-1,2,3,9,10,10a-hexahydro-11-phenethyl-4H-10,4a-iminoethanophenanthren-6-ol),
- (6) Racemethorphan (*d,l*-1,2,3,9,10,10a-hexahydro-6-methoxy-11-methyl-4H-10,4a-iminoethanophenanthrene), and
- (7) Racemorphan (*d,l*-1,2,3,9,10,10a-hexahydro-11-methyl-4H-10,4a-iminoethanophenanthren-6-ol),

but not including:

- (8) Dextromethorphan (*d*-1,2,3,9,10,10a-hexahydro-6-methoxy-11-methyl-4H-10,4a-iminoethanophenanthrene),
- (9) Dextrorphan (*d*-1,2,3,9,10,10a-hexahydro-11-methyl-4H-10,4a-iminoethanophenanthren-6-ol), and
- (10) Levallorphan (*l*-11-allyl-1,2,3,9,10,10a-hexahydro-4H-10,4a-iminoethanophenanthren-6-ol).

12. Benzazocines, their preparations, derivatives and salts, including:

- (1) Phenazocine (1,2,3,4,5,6-hexahydro-6,11-dimethyl-3-phenethyl-2,6-methano-3-benzazocin-8-ol), and
- (2) Metazocine (1,2,3,4,5,6-hexahydro-3,6,11-trimethyl-2,6-methano-3-benzazocin-8-ol).

13. Ampromides, their preparations, derivatives and salts, including:

- (1) Diampromide (N-[2-(methylphenethylamino)-propyl]propionanilide),
- (2) Phenampromide (N-[2-(1-methyl-2-piperidino ethyl)propionanilide).

SCHEDULE—*Concluded*

14. Benzimidazoles, their preparations, derivatives and salts, including:

- (1) Clonitazene (2-(p-chlorobenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole),
- (2) Etonitazene (2-(p-ethoxybenzyl)-1-diethylaminoethyl-5-nitrobenzimidazole).

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 36

An Act to amend the Farm Credit Act.

[Assented to 22nd June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1959, c. 43.

1. Section 12 of the *Farm Credit Act* is repealed and the following substituted therefor:

“12. At the request of the Corporation, the Minister of Finance may with the approval of the Governor in Council pay to the Corporation, out of the Consolidated Revenue Fund, amounts not exceeding in the aggregate twelve million dollars, and the money paid to the Corporation under this section constitutes the capital of the Corporation.” Capital.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 37

An Act to amend the Food and Drugs Act.

[Assented to 22nd June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1952-53, c. 38.

1. Sections 30 and 31 of the *Food and Drugs Act* are repealed and the following substituted therefor:

“30. This Act does not apply to any packaged food, drug other than a drug defined as a controlled drug by Part III, cosmetic or device, not manufactured for consumption in Canada and not sold for consumption in Canada, if the package is marked in distinct overprinting with the word “Export”, and a certificate that the package and its contents do not contravene any known requirement of the law of the country to which it is or is about to be consigned, has been issued in respect thereof in prescribed form and manner. Exports.”

PART III.

CONTROLLED DRUGS.

31. In this Part,

- (a) “controlled drug” means any drug included in Schedule G; Definitions.
“Controlled drug.”
- (b) “possession” means possession as defined in the *Criminal Code*; and “Possession.”
- (c) “traffic” means to manufacture, sell, export from or import into Canada, transport or deliver, otherwise than under the authority of this Part or the regulations. “Traffic.”

Trafficking
in controlled
drug.

32. (1) No person shall traffic in a controlled drug or any substance represented or held out by him to be a controlled drug.

Possession
for pur-
pose of
trafficking.

(2) No person shall have in his possession any controlled drug for the purpose of trafficking.

Offence.

(3) Every person who violates subsection (1) or (2) is guilty of an offence and is liable

(a) upon summary conviction to imprisonment for eighteen months; or

(b) upon conviction on indictment, to imprisonment for ten years.

Procedure in
prosecution
for posses-
sion for the
purpose of
trafficking.

33. (1) In any prosecution for a violation of subsection (2) of section 32, if the accused does not plead guilty, the trial shall proceed as if the issue to be tried is whether the accused was in possession of a controlled drug.

Idem.

(2) If, pursuant to subsection (1), the court finds that the accused was not in possession of a controlled drug, he shall be acquitted, but, if the court finds that the accused was in possession of a controlled drug, he shall be given an opportunity of establishing

(a) that he acquired the controlled drug from a person authorized under the regulations to sell or deal with controlled drugs; or

(b) that he was not in possession of the controlled drug for the purposes of trafficking,

and thereafter the prosecutor shall be given an opportunity of adducing evidence to the contrary.

Idem.

(3) If the accused establishes the facts set forth in paragraph (a) or (b) of subsection (2) he shall be acquitted of the offence as charged; and if the accused fails to so establish he shall be convicted of the offence as charged and sentenced accordingly.

Burden of
proving
exception,
etc.

34. (1) No exception, exemption, excuse or qualification prescribed by law is required to be set out or negated, as the case may be, in an information or indictment for an offence under section 32 or under section 406, 407 or 408 of the *Criminal Code* in respect of an offence under section 32.

Idem.

(2) In any prosecution under this Part the burden of proving that an exception, exemption, excuse or qualification prescribed by law operates in favour of the accused is on the accused, and the prosecutor is not required, except by way of rebuttal, to prove that the exception, exemption, excuse or qualification does not operate in favour of the accused, whether or not it is set out in the information or indictment.

35. In any prosecution for an offence mentioned in subsection (1) of section 34, a certificate of an analyst stating that he has analyzed or examined a substance and stating the result of his analysis or examination is admissible in evidence and in the absence of any evidence to the contrary is proof of the statements contained in the certificate without proof of the signature or the official character of the person appearing to have signed the certificate.

Certificate
of analyst.

36. (1) A peace officer may, at any time

Search and
seizure.

- (a) without a warrant enter and search any place other than a dwelling house, and under the authority of a Writ of Assistance or a warrant issued under this section, enter and search any dwelling house in which he reasonably believes there is a controlled drug by means of or in respect of which an offence under this Part has been committed;
- (b) search any person found in such place; and
- (c) seize and take away any controlled drug found in such place and any other thing that may be evidence that an offence under this Part has been committed.

(2) A magistrate who is satisfied by information upon oath that there are reasonable grounds for believing that there is a controlled drug, by means of or in respect of which an offence under this Part has been committed, in any dwelling house may issue a warrant under his hand authorizing a peace officer named therein at any time to enter the dwelling house and search for controlled drugs.

Warrant to
search
dwelling
house.

(3) A judge of the Exchequer Court of Canada shall, upon application by the Minister, issue a Writ of Assistance authorizing and empowering the person named therein, aided and assisted by such person as the person named therein may require, at any time, to enter any dwelling house and search for controlled drugs.

Writ of
Assistance.

(4) For the purpose of exercising his authority under this section, a peace officer may, with such assistance as he deems necessary, break open any door, window, lock, fastener, floor, wall, ceiling, compartment, plumbing fixture, box, container or any other thing.

Powers of
peace
officer.

(5) Where a controlled drug or other thing has been seized under this Part, any person may, within two months from the date of such seizure, upon prior notification having been given to the Crown in the manner prescribed by the regulations, apply to a magistrate within whose territorial jurisdiction the seizure was made, for an order of restoration under subsection (6).

Application
for restora-
tion.

Order of
restoration.

(6) Subject to subsection (8), where, upon the hearing of an application made under subsection (5), the magistrate is satisfied

(a) that the applicant is entitled to possession of the controlled drug or other thing seized, and

(b) that the thing so seized is not or will not be required as evidence in any proceedings in respect of an offence under this Part,

he shall order that the thing so seized be restored forthwith to the applicant, and where the magistrate is satisfied that the applicant is entitled to possession of the thing so seized but is not satisfied as to the matters mentioned in paragraph (b), he shall order that the thing so seized be restored to the applicant

(c) upon the expiration of four months from the date of such seizure, if no proceedings in respect of an offence under this Part have been commenced before that time, or

(d) upon the final conclusion of any such proceedings, in any other case.

Where no
application
made.

(7) Where no application has been made for the return of any controlled drug or other thing seized pursuant to this Part within two months from the date of such seizure, or an application therefor has been made but upon the hearing thereof no order of restoration is made, the thing so seized shall be delivered to the Minister who may make such disposition thereof as he sees fit.

Forfeiture
of controlled
drug.

(8) Where a person has been convicted of an offence under this Part, any controlled drug seized pursuant to this Part, by means of or in respect of which the offence was committed, and any money so seized that was used for the purchase of that controlled drug, is forfeited to Her Majesty and shall be disposed of as the Minister directs.

Sections
not
applicable
to seizure
of controlled
drug.

(9) Subsections (7) and (8) of section 21 and section 22 are not applicable in the case of any thing seized under this Part.

Regulations.

37. (1) The Governor in Council may make regulations for carrying out the purposes and provisions of this Part, and in particular but without restricting the generality of the foregoing, may make regulations,

(a) authorizing the manufacture, sale, importation, transportation, delivery or other dealing in controlled drugs and prescribing the circumstances and conditions under which and the persons by whom controlled drugs may be manufactured, sold, imported, transported, delivered or otherwise dealt in;

- (b) providing for the issue of licences for the importation, manufacture or sale of controlled drugs;
- (c) prescribing the form, duration and terms and conditions of any licence described in paragraph (b) and the fees payable therefor, and providing for the cancellation and suspension of such licences;
- (d) requiring persons who import, manufacture, sell, administer or deal in controlled drugs to maintain such books and records as the Governor in Council considers necessary for the proper administration and enforcement of this Part and the regulations made under this Part and to make such returns and furnish such information relating to the said controlled drugs as the Governor in Council may require;
- (e) authorizing the communication of any information obtained under the provisions of this Part or the regulations to provincial professional licensing authorities; and
- (f) prescribing a fine not exceeding five hundred dollars or a term of imprisonment not exceeding six months, or both, to be imposed upon summary conviction as a penalty for the violation of any regulation.

(2) The Governor in Council may, from time to time, amend Schedule G by adding thereto or deleting therefrom any substance, the inclusion or exclusion of which, as the case may be, is deemed necessary by him in the public interest.

Amendment
of Schedule.

38. Sections 25, 28 and 29 are not applicable in any proceedings in respect of an offence under this Part or the regulations made under this Part."

Sections 25,
28 and 29 not
applicable.

2. The said Act is further amended by adding thereto the following Schedule:

"SCHEDULE G.

1. Amphetamine and its salts
2. Barbituric acid and its salts and derivatives
3. Methamphetamine and its salts"

3. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Coming into
force.

9 - 10 ELIZABETH II.

CHAP. 38

An Act to amend the Judges Act
and the Exchequer Court Act.

[Assented to 22nd June, 1961.]

R.S., 1952,
c. 159;
1952-53 c. 4;
1953-54, c. 58;
1955, c. 48;
1956, c. 8;
1957, c. 30;
1958, c. 33;
1959, c. 28;
1960, cc. 46,
47.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Paragraph (b) of section 5 of the *Judges Act* is repealed and the following substituted therefor: 1955, c. 48, s. 1.

“(b) Five puisne judges, each 16,900.00”

2. Paragraph (e) of section 9 of the said Act is repealed and the following substituted therefor: 1960, c. 46, s. 1.

“(e) Fifty-seven puisne judges of the Superior Court, each 16,900.00”

3. Paragraph (b) of section 13 of the said Act is repealed and the following substituted therefor: 1955, c. 48, s. 3.

“(b) Seven Justices of Appeal, each 16,900.00”

4. (1) Paragraph (a) of section 19 of the said Act is repealed and the following substituted therefor: 1958, c. 33, s. 3.

“(a) Seventy-two judges and junior judges of the County and District Courts, each \$10,500.00”

(2) Paragraph (h) of section 19 of the said Act is repealed and the following substituted therefor: 1955, c. 48, s. 3.

“(h) Thirteen chief judges and judges of the District Courts, each 10,500.00”

5. Subsection (1) of section 4 of the *Exchequer Court Act* is repealed and the following substituted therefor: R.S. 1952, c. 98.

Constitution
of Court.

“4. (1) The Exchequer Court shall consist of the President and five Puisne Judges, who shall be appointed by the Governor in Council by letters patent under the Great Seal.”

1960, c. 46.

6. Section 4 of *An Act to amend the Judges Act*, chapter 46 of the Statutes of 1960, is repealed.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 39

An Act to amend the War Veterans Allowance Act, 1952.

[Assented to 22nd June, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 340;
1955, c. 13;
1957-58, c. 7;
1960, c. 36.

1. Schedules A and B of the *War Veterans Allowance Act, 1952*, are repealed and the following substituted therefor:

1957-58, c. 7.
s. 8.

"SCHEDULE A.
Table of Allowances.

I Class of Recipient	II Monthly Rate	III Maximum total annual income (income including allowance)
1. (a) Unmarried veteran without child or not residing with child.....	\$84	\$1,296
(b) Widow without child or not residing with child.....		
(c) Widower without child or not residing with child.....		
(d) Married veteran not residing with spouse, and without child or not residing with child.....		
(e) A person described in paragraph (a), (b), (c) or (d) who is blind within the meaning of the <i>Blind Persons Act</i>		
2. Married veteran residing with spouse.....	\$144	\$2,088 total for veteran and spouse
3. (a) Unmarried veteran residing with child... (b) Widow residing with child..... (c) Widower residing with child..... (d) Married veteran not residing with spouse and residing with child.....	\$144	\$2,088
4. (a) Married veteran residing with spouse who is blind within the meaning of the <i>Blind Persons Act</i> (b) Married veteran who is blind within the meaning of the <i>Blind Persons Act</i> and residing with spouse.....	\$144	\$2,208 total for veteran and spouse
5. One orphan.....	\$54	\$900
6. Two orphans of one veteran.....	\$94 total for the two orphans	\$1,440 total for the two orphans
7. Three or more orphans of one veteran.....	\$126 total for the three or more orphans	\$1,800 total for the three or more orphans

SCHEDULE B.
Table of Allowances.

I Class of Recipient	II Monthly Rate	III Maximum total monthly income (income including allowance)
1. (a) Unmarried veteran without child or not residing with child..... (b) Widow without child or not residing with child..... (c) Widower without child or not residing with child..... (d) Married veteran not residing with spouse, and without child or not residing with child..... (e) A person described in paragraph (a), (b), (c) or (d) who is blind within the meaning of the <i>Blind Persons Act</i>	\$84 \$84	\$108 \$118
2. Married veteran residing with spouse.....	\$144	\$174 total for veteran and spouse
3. (a) Unmarried veteran residing with child... (b) Widow residing with child..... (c) Widower residing with child..... (d) Married veteran not residing with spouse and residing with child.....	\$144	\$174
4. (a) Married veteran residing with spouse who is blind within the meaning of the <i>Blind Persons Act</i> (b) Married veteran who is blind within the meaning of the <i>Blind Persons Act</i> and residing with spouse.....	\$144	\$184 total for veteran and spouse ,,

1955, c. 13,
s. 1(1).

2. (1) Paragraph (g) of subsection (1) of section 2 of the said Act is amended by deleting the word "or" at the end of subparagraph (i) thereof, by adding the word "or" at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

"(iii) a child of unmarried parents who is bereft by death of his father and whose father was, at the time of his death, a recipient of an allowance in respect of that child;"

1957-58, c. 7,
s. 1.

(2) Section 2 of the said Act is further amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

"(3) Notwithstanding anything in this Act, a woman who

(a) was residing with a veteran at the time of his death and was prohibited from celebrating a marriage with him by reason of a previous marriage either of that veteran or of herself with another person; and

(b) shows to the satisfaction of the Board that that veteran had, during the seven years immediately prior to the date of his death, continuously maintained and publicly represented her as his wife, may be deemed by the Board to be the widow of that veteran for the purposes of this Act."

Persons
Board may
deem
widows.

1960, c. 36,
s. 1.

3. Section 3 of the said Act is amended by adding thereto the following subsection:

"(4) Notwithstanding anything in this section, the allowance payable under this section to a widow or orphan may be paid to

(a) the widow of a recipient who dies outside of Canada if that widow resides outside of Canada and

(i) left Canada with that recipient or within a period of three months of the day on which that recipient left Canada,

(ii) had been resident in Canada for twelve months immediately preceding the day she left Canada, and

(iii) was living with and being maintained by that recipient at the time of his death; and

(b) an orphan of a recipient who dies outside of Canada if that orphan resides outside of Canada and

(i) left Canada with that recipient or within a period of three months of the day on which that recipient left Canada, or

Payment to
widows and
orphans
resident
outside
Canada.

(ii) was born outside of Canada to that recipient and his spouse, both of whom left Canada at the same time or within a period of three months of one another."

4. (1) Paragraphs (a) and (b) of subsection (1) of section 5 of the said Act are repealed and the following substituted therefor: 1957-58, c. 7,
s. 2(1).

"(a) one hundred and forty-four dollars a month, or

(b) the monthly rate that will produce a total income, including allowance, to the surviving spouse of two thousand and eighty-eight dollars a year."

(2) Subsections (2) and (3) of section 5 of the said Act are repealed and the following substituted therefor: 1955, c. 13,
s. 3.

"(2) On the death of a spouse or child in respect of whom a veteran was, at the time of such death or at any time within the twelve months immediately preceding that death, a recipient of an allowance under section 3, the District Authority may, in its discretion, and within six months from the date of such death, award to such veteran an allowance not exceeding in the aggregate twelve times the lesser of the rates specified in paragraphs (a) and (b) of subsection (1). Dependant.

(3) On the death of a spouse or child in respect of whom a veteran was, at the time of such death or at any time within the twelve months immediately preceding that death, a recipient of an allowance under section 4, the District Authority may, in its discretion, and within six months from the date of such death, award to such veteran an allowance not exceeding in the aggregate twelve times the lesser of the following rates, namely, Idem.

(a) one hundred and forty-four dollars a month; or

(b) the monthly rate that will produce a total income, including allowance, to the veteran of one hundred and seventy-four dollars a month."

1957-58, c. 7,
s. 2(2).

5. (1) Paragraph (i) of subsection (1) of section 6 of the said Act is repealed and the following substituted therefor:

"(i) interest on bank deposits and bonds and dividends on shares in the capital stock of any company to the extent of fifty dollars per annum from all such sources; and"

1957-58, c. 7,
s. 3(2).

(2) Subsection (2) of section 6 of the said Act is repealed and the following substituted therefor:

Home of
recipient.

“(2) In determining what shall be deemed to be the income of a recipient from any interest in real property, the value of any premises in which the recipient resides shall be taken into account only to the extent that it exceeds nine thousand dollars.”

6. The said Act is further amended by adding thereto the following section:

Limitation
on payment
of allowance.

“8. (1) No allowance is payable under section 3 or 4 to

- (a) a veteran, widow or widower described in Item 1 of Schedule A or Schedule B or an orphan described in Item 5 of Schedule A, who owns personal property of a value in excess of one thousand two hundred and fifty dollars;
- (b) a veteran described in Item 2 or 4 of Schedule A or Schedule B who, together with his spouse, owns personal property of a value in excess of two thousand five hundred dollars;
- (c) a veteran, widow or widower described in Item 3 of Schedule A or B who, together with his child, owns personal property of a value in excess of two thousand five hundred dollars; or
- (d) orphans described in Item 6 or 7 of Schedule A who, either jointly or separately, own personal property of a value in excess of two thousand five hundred dollars.

Idem.

(2) No allowance is payable under section 5 to a veteran or to the surviving spouse of a veteran described in that section where the personal property owned by that spouse and the deceased veteran or by that veteran and his deceased spouse or child is in excess of two thousand five hundred dollars.”

7. Section 16 of the said Act is repealed and the following substituted therefor:

Indebtedness
to Director
of Soldier
Settlement,
or Veterans'
Land Act.

“16. For the purpose of ensuring continued occupancy by a recipient of a home acquired by him under the *Soldier Settlement Act* or the *Veterans' Land Act*, a District Authority may, with the consent in writing of the recipient, enter into an arrangement with the Director of Soldier Settlement, or The Director, The Veterans' Land Act, as the case may be, to pay to him out of the recipient's allowance an amount not exceeding forty dollars per month to be applied against the indebtedness of the recipient under the *Soldier Settlement Act* or the *Veterans' Land Act*.”

8. Section 18 of the said Act is repealed and the following substituted therefor:

“18. When it appears to a District Authority or the Board that any applicant or recipient or his spouse has disposed of property for the purpose of qualifying for an allowance or for a larger allowance than he might otherwise have been entitled to, the value of such property shall, in determining the amount of allowance, if any, that such person should receive, be taken into account as if that disposition had not been made.”

Transfer of property to qualify.

9. Section 22 of the said Act is amended by deleting the word “and” at the end of paragraph (k) thereof, by adding the word “and” at the end of paragraph (l) thereof, and by adding thereto the following paragraph:

“(m) defining “casual earnings” and “personal property” for the purposes of this Act.”

10. (1) Subsection (2) of section 25 of the said Act is repealed and the following substituted therefor:

“(2) The Governor in Council shall designate one of the members to be Chairman of the Board and one of the members to be Deputy Chairman of the Board.”

Chairman and Deputy Chairman.

(2) Subsection (6) of section 25 of the said Act is repealed and the following substituted therefor:

1957-58, c. 7, s. 6.

“(6) If the Chairman is absent or is unable to act or if the office is vacant, the Deputy Chairman has and may exercise all the powers and functions of the Chairman.

Duties of Deputy Chairman.

(6a) The Chairman, Deputy Chairman, the other members and the temporary members shall each be paid a salary to be fixed by the Governor in Council, except that the salary to be paid to the temporary members and to the other members shall be fixed at the same rate.”

Salaries.

(3) Until the salaries of the Chairman, Deputy Chairman, members and temporary members are otherwise fixed by the Governor in Council under subsection (6a) of section 25 of the said Act, as enacted by subsection (2) of this section, each of the said persons shall continue to be paid the salary of which he was in receipt at the coming into force of this Act.

11. The said Act is further amended by adding thereto, immediately after section 27 thereof, the following section:

“27A. The Governor in Council may impose upon the Board or a District Authority duties similar to those

Additional duties of Board and District Authority.

performed by a District Authority under this Act in respect of any allowances authorized to be paid under any other Act, and such effect shall be given to any such adjudication by the Board or a District Authority as the Governor in Council may direct."

12. (1) Subsection (2) of section 30 of the said Act is repealed and the following substituted therefor:

Veteran of
South
African
War.

"(2) A veteran of the South African War is

(a) any former member of a Canadian contingent who served in a theatre of actual war during the South African War or who had landed in or had embarked for South Africa prior to the 1st day of June, 1902; or

(b) any former member of His Majesty's forces who served in a theatre of actual war during the South African War or who had landed in or had embarked for South Africa prior to the 1st day of June, 1902, and who was domiciled in Canada immediately prior to the 11th day of October, 1899, or has resided in Canada for a total period of at least ten years."

1957-58, c. 7,
s. 7(1).

(2) Subparagraph (ii) of paragraph (a) of subsection (3) of section 30 of the said Act is repealed and the following substituted therefor:

"(ii) is in receipt of a pension for injury or disease incurred or aggravated during his service in such forces or is declared to have been eligible for, or awarded, such a pension subsequent to his death, or"

(3) Section 30 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Service in
United
Kingdom.

"(3a) In calculating for the purposes of section 3 the period served in the United Kingdom during World War I by a former member of His Majesty's Canadian forces, there shall be included the travelling time of that member

(a) from the date of his embarkation for the United Kingdom until his arrival in that country; and

(b) from the date of his embarkation for Canada until his arrival in this country."

(4) Subparagraph (v) of paragraph (a) of subsection (4) of section 30 of the said Act is repealed and the following substituted therefor:

“(v) is in receipt of a pension for an injury or disease incurred or aggravated during his service in such force or is declared to have been eligible for, or awarded, such a pension subsequent to his death, or”

(5) Subparagraph (ii) of paragraph (b) of subsection (4) of section 30 of the said Act is repealed and the following substituted therefor:

“(ii) is in receipt of a pension for an injury or disease incurred or aggravated during his service in any such force during such war or is declared to have been eligible for, or awarded, such a pension subsequent to his death, or”

(6) Subparagraph (iii) of paragraph (a) of subsection (6) of section 30 of the said Act is repealed and the following substituted therefor:

“(iii) was a member of His Majesty’s Canadian forces during World War II, enlisted or obligated to serve without territorial limitation, and”

(7) Paragraph (b) of subsection (7) of section 30 of the said Act is repealed and the following substituted therefor: 1955, c. 13,
s. 7(1).

“(b) is

(i) in receipt of a pension under the *Pension Act*,
or

(ii) declared to have been eligible for, or awarded,
a pension under the *Pension Act* subsequent to
his death,

having become eligible for such pension by virtue
of section 5 of *The Veterans Benefit Act, 1951*, or by
virtue of section 5 of the *Veterans Benefit Act, 1954*.”

(8) Paragraph (c) of subsection (8) of section 30 of the said Act is repealed and the following substituted therefor:

“(c) in the case of World War II

(i) with respect to a former member of His Majesty’s Canadian forces, any place where he has been on service involving duties performed outside the Western Hemisphere, including service involving duties performed outside of Canada, Newfoundland and the United States of America and the territorial waters thereof in aircraft or anywhere in a ship or other vessel, which service is classed as “sea time” for the purpose of advancement of naval ratings, or which

would be so classed were the ship or other vessel in the service of the naval forces of Canada, and

- (ii) with respect to a former member of His Majesty's forces other than His Majesty's Canadian forces, or of any of the forces of His Majesty's Allies or powers associated with His Majesty in World War II, such places, zones or areas as the Board may prescribe."

Coming into
force.

13. This Act shall be deemed to have come into force on the 1st day of June, 1961.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 40

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

[Assented to 13th July, 1961.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Major-General Georges Philias Vanier, DSO., MC., Governor General of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1962, and for other purposes connected with the public service: May it therefore please your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

Preamble.

1. This Act may be cited as the *Appropriation Act No. 4, 1961*.

Short title.

2. From and out of the Consolidated Revenue Fund there may be paid and applied a sum not exceeding in the whole one billion, forty-five million, three hundred and seventy-nine thousand, nine hundred and twenty-seven dollars and ninety-four cents, towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the aggregate of

\$1,045,379,927.94
granted for
1961-62.

- (a) one-quarter of the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1962, as laid before the House of Commons at the present session of Parliament, \$922,235,223.75;

- (b) one-third of the total of the amounts of the several items in the Main Estimates set forth in Schedule A, \$271,666.67;
- (c) one-sixth of the total of the amounts of the several items in the Main Estimates set forth in Schedule B, \$4,271,818.84;
- (d) one-twelfth of the total of the amounts of the several items in the Main Estimates set forth in Schedule C, \$3,591,936.92;
- (e) seven-twelfths of the total of the amounts of the items set forth in the Supplementary Estimates, for the fiscal year ending the 31st day of March, 1962, as laid before the House of Commons at the present session of Parliament, \$88,926,648.41;
- (f) one-third of the total of the amounts of the several items in the Supplementary Estimates set forth in Schedule D, \$1,181,383.34;
- (g) one-quarter of the total of the amounts of the several items in the Supplementary Estimates set forth in Schedule E, \$12,515,000.00;
- (h) seven-twelfths of the total of the amounts of the items set forth in the Further Supplementary Estimates (1) for the fiscal year ending the 31st day of March, 1962, as laid before the House of Commons at the present session of Parliament, \$11,844,583.34; and
- (i) one-third of the total of the amounts of the several items in the Further Supplementary Estimates (1) set forth in Schedule F, \$541,666.67.

Purpose and effect of each item.

3. The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

Power to raise loan of \$1,000,000,000 for public works and general purposes.

4. The Governor in Council may, in addition to the sums now remaining unborrowed and negotiable of the loans authorized by Parliament, by any Act heretofore passed, raise by way of loan, under the *Financial Administration Act*, by the issue and sale or pledge of securities of Canada, in such form, for such separate sums, at such rates of interest and upon such other terms and conditions as the Governor in Council may approve, such sum or sums of money, not exceeding in the whole, the sum of one billion dollars, as may be required for public works and general purposes.

5. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

Account to
be rendered.
R.S., c. 116.

SCHEDULE A.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$271,666.67, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
99	Special Aid Programs— Contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....	500,000	
	FISHERIES		
	SPECIAL		
141	Acquisition of land and construction of a Research Field Station for the International Pacific Salmon Fisheries Commission	110,000	
148	Destruction of dogfish and other predators.....	150,000	
	LEGISLATION		
	HOUSE OF COMMONS		
195	Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, expenses connected with visits of delegates from other legislatures and Canada's fee for membership in the Inter-Parliamentary Union.....	20,000	
196	Canada's share of the expenses of the Commonwealth Parlia- mentary Association including subscriptions to publications of the Association.....	21,000	
197	Grant to the Canadian North Atlantic Treaty Organization Parliamentary Association.....	14,000	
			*815,000

* Net total \$271,666.67.

SCHEDULE B.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$4,271,818.84, being one-sixth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING BRANCH		
16	Health of Animals Division— Compensation for animals slaughtered.....	2,220,000	
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO INTERNATIONAL AND SPECIAL AID PROGRAMS		
101	Special Aid Programs— Expenses in connection with Canada's participation in the World Refugee Year, additional to those provided for in Vote 648, Appropriation Act No. 3, 1960, for the completion of the Tuberculous Refugee Program.....	50,000	
	FORESTRY		
154	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them in establishing forest access roads and trails for the attainment of adequate fire protection as well as other aspects of forest management.....	4,170,000	
	MINES AND TECHNICAL SURVEYS		
	A—DEPARTMENT		
	ADMINISTRATION SERVICES		
204	Explosives Act Administration.....	111,648	
	SURVEYS AND MAPPING BRANCH		
208	Geodetic Survey of Canada.....	935,434	
209	International Boundary Commission including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the United States Government of the cost of binding annual reports and main- taining boundary range lights.....	88,799	
	Topographical Surveys—		
210	Administration, Operation and Maintenance.....	2,209,626	
	Canadian Hydrographic Service—		
212	Administration, Operation and Maintenance including Canada's fee for membership in the International Hydrographic Bureau.....	5,370,081	
214	Legal Surveys and Aeronautical Charts.....	844,905	

SCHEDULE B—Concluded.

No. of Vote	Service	Amount	Total
		\$	\$
	MINES AND TECHNICAL SURVEYS—Concluded		
	GEOLOGICAL SURVEY OF CANADA		
218	Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, and \$75,000 for grants in aid of Geological Research in Canadian Universities.....	4,937,624	
	GEOGRAPHICAL BRANCH		
222	Administration, Operation and Maintenance including the expenses of the Canadian Board on Geographical Names (formerly under Surveys and Mapping Branch Administration) and a grant of \$500 to the Canadian Association of Geographers.....	500,626	
	DOMINION OBSERVATORIES		
223	Dominion Observatory, Ottawa and Field Stations—Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union and a grant of \$3,500 to the Royal Astronomical Society of Canada.....	1,568,575	
	GENERAL		
228	Polar Continental Shelf Project.....	1,553,595	
	PUBLIC WORKS		
	PUBLIC BUILDINGS CONSTRUCTION AND SERVICES		
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—		
337	Manitoba.....	715,000	
342	Outside Canada.....	250,000	
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
396	Trade Commissioner Service—Construction or Acquisition of Buildings, Land, Equipment and Furnishings.....	105,000	
			*25,630,913

* Net total \$4,271,818.84.

SCHEDULE C.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$3,591,936.92, being one-twelfth of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	FORESTRY		
	FOREST RESEARCH BRANCH		
156	Operation and Maintenance.....	1,949,410	
	FOREST ENTOMOLOGY AND PATHOLOGY BRANCH		
158	Operation and Maintenance, including \$11,600 for grants in aid of Forestry Research.....	3,253,429	
	NATIONAL FILM BOARD		
251	Administration, Production and Distribution of Films and Other Visual Materials.....	4,988,112	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATIONAL PARKS BRANCH		
284	National Parks and Historic Sites and Monuments—Administration, Operation and Maintenance.....	8,248,914	
	PUBLIC WORKS		
	HARBOURS AND RIVERS ENGINEERING SERVICES		
360	Dredging— Construction or Acquisition of Plant and Equipment.....	2,676,000	
	DEVELOPMENT ENGINEERING SERVICES		
365	Towards installation of a water supply system at Churchill, Manitoba.....	967,000	
368	Trans-Canada Highway— Construction through National Parks.....	7,476,000	
	TRADE AND COMMERCE		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
400	1961 Decennial Census of Canada.....	13,539,378	
			*43,103,243

* Net total \$3,591,936.92.

SCHEDULE D.

Based on the Supplementary Estimates, 1961-62. The amount hereby granted is \$1,181,383.34, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS		
516	Assessment for the United Nations Congo Ad Hoc Account for 1961 in an amount of \$3,080,733 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of May, 1961, which is.....	3,044,150	
	FORESTRY		
527	Contribution to the Province of New Brunswick for assistance in a program designed to combat the spruce budworm infestation, in accordance with an agreement entered into by Canada and the Province.....	500,000	
			*3,544,150

* Net total \$1,181,383.34.

SCHEDULE E.

Based on the Supplementary Estimates, 1961-62. The amount hereby granted is \$12,515,000.00, being one-quarter of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
	Special Aid Programs—		
514	Expenses in connection with Canada's participation in the World Refugee Year, for the completion of the Tubercu- lous Refugee Program—Further amount required...	60,000	
	TRANSPORT		
	B—GENERAL		
	BOARD OF TRANSPORT COMMISSIONERS		
590	Interim payments, related to recommendations of the Royal Commission on Railway Problems pending its complete report, to Companies as defined in the Freight Rates Re- duction Act of an aggregate amount in respect of the calendar year 1961 of \$50,000,000, to be paid in instalments at such times and in accordance with such method of allocation as may be determined by the Board of Transport Commis- sioners for Canada, as compensation to such Companies for the maintenance of their rates on freight traffic at reduced levels as provided for in the said Act.....	50,000,000	
			*50,060,000

* Net total \$12,515,000.

SCHEDULE F.

Based on the Further Supplementary Estimates (1), 1961-62. The amount hereby granted is \$541,666.67, being one-third of the total of the amounts of the several items in the said Estimates as contained in this Schedule.

SUMS granted to Her Majesty by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE PRODUCTION AND MARKETING BRANCH		
605	Plant Products Division— Contribution to Prince Edward Island, in accordance with terms and conditions prescribed by the Governor in Council, of one-half of amounts paid by that Province to potato growers in respect of their 1960 crop as compensation for losses due to fusarium rot to a maximum contribution by Canada of \$300 in respect of any one farm.....	125,000	
	EXTERNAL AFFAIRS CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
606	Special Aid Programs— Purchase of flour to be given to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....	1,500,000	
			*1,625,000

* Net total \$541,666.67.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 41

An Act to authorize the provision of moneys to meet certain capital expenditures of the Canadian National Railways System for the period from the 1st day of January, 1961 to the 30th day of June, 1962, and to authorize the guarantee by Her Majesty of certain securities to be issued by the Canadian National Railway Company.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Canadian National Railways Financing and Guarantee Act, 1961*. Short title.

INTERPRETATION.

2. In this Act,
- (a) "National Company" means the Canadian National Railway Company; Definitions.
"National Company."
 - (b) "National System" means the National Railways as defined in the *Canadian National Railways Act* and any companies controlled by the National Company through stock ownership; and "National System."
 - (c) "securities" means the notes, equipment trust certificates, bonds, debentures and other securities described in subsection (1) of section 4. "Securities."

CAPITAL EXPENSE.

3. (1) The National System is authorized,
- (a) to make capital expenditures in the calendar year 1961 in the following amounts and for the following purposes: Capital expenditures authorized.

Gross Capital Expenditures:

Road property.....	\$ 122,735,000
Branch line construction.....	14,599,000
Hotels.....	1,732,000
Equipment.....	14,212,000
Investment in affiliated companies:	
Trans-Canada Air Lines	
financial requirements... \$	19,700,000
Others.....	5,922,000
	25,622,000
	\$ 178,900,000

Capital expenditures in 1962.

(b) to make capital expenditures not exceeding in the aggregate \$76,000,000 in the calendar year 1962 prior to the 1st day of July of that year, by investing in securities of Trans-Canada Air Lines to enable Trans-Canada Air Lines to discharge obligations that were incurred prior to that year and have become due and payable before that day and to discharge obligations that were incurred by the National Company for equipment, for hotels and branch lines and for general additions and betterments to road property prior to that year and have become due and payable before that day; and

Contracts for new equipment, additions and conversions prior to July 1, 1962.

(c) to enter into contracts prior to the 1st day of July, 1962, for the acquisition of new equipment and for general additions and conversions that will come in course of payment after the calendar year 1961, in amounts not exceeding in the aggregate \$44,000,000.

Power to borrow money.

(2) The National Company, with the approval of the Governor in Council, is authorized

(a) at any time prior to the 1st day of July, 1962, to borrow money by the issue and sale of securities or by way of loan from the Minister of Finance to provide the amounts required for the purposes of paragraphs (a) and (b) of subsection (1); and

(b) by the issue and sale of securities, to borrow money to repay loans made under section 6.

Statement of amounts borrowed.

(3) A statement of the amounts borrowed by the National Company pursuant to this section shall be included in the annual report of the National Company.

Estimate of amounts required.

(4) An estimate of the amounts required for the purposes of paragraph (b) of subsection (1) shall be included in the annual budget of the National System for the calendar year 1962.

(5) Any amount payable under a contract entered into pursuant to paragraph (c) of subsection (1) shall be included in the annual budget of the National System for the year in which it will become due and payable.

Amount payable included in budget.

(6) No amounts shall be spent for a purpose mentioned in this section in excess of the amount authorized by this section in respect of that purpose, and for the purposes of this subsection any expenditure made under paragraph (b) of subsection (1) of section 3 of the *Canadian National Railways Financing and Guarantee Act, 1960*, shall be deemed to be an expenditure under paragraph (a) of subsection (1) of this section.

Limitations.

4. (1) Subject to the provisions of this Act and with the approval of the Governor in Council, the National Company may issue notes, equipment trust certificates, bonds, debentures or other securities, bearing such rates of interest and subject to such other terms and conditions as the Governor in Council may approve, to provide amounts required for the purposes of section 3.

Issue of securities.

(2) Amounts available from reserves for depreciation and debt discount amortization shall be applied towards meeting the expenditures authorized by section 3.

Application of amounts available.

(3) The aggregate principal amount of securities issued under this section outstanding at any one time shall not exceed the amount necessary to provide the National Company with the net amount of \$76,800,000 less the amount that the National Company receives in respect of the period from the 1st day of January, 1961 to the 30th day of June, 1962, both inclusive, from the sale to the Minister of Finance of preferred stock of the National Company, and for the purposes of this subsection, any securities issued under the *Canadian National Railways Financing and Guarantee Act, 1960*, in respect of the amounts required for capital expenditures under paragraph (b) of subsection (1) of section 3 of that Act, shall be deemed to have been issued under this section.

Maximum amount of securities.

GUARANTEES.

5. (1) The Governor in Council may authorize the guarantee by Her Majesty in right of Canada of the principal and interest of the securities and may approve or decide the form, manner and conditions of such guarantees.

Guarantee.

(2) A guarantee under this Act may be signed on behalf of Her Majesty by the Minister of Finance or by such other person as the Governor in Council may designate, and such signature is conclusive evidence for all purposes that the guarantee is valid and that the relative provisions of the Act have been complied with.

Signature of guarantee.

LOANS.

Minister may
make loans to
National
Company.

6. (1) The Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, make loans to the National Company out of the Consolidated Revenue Fund of amounts required for the purposes of section 3 at such rates of interest and subject to such other terms and conditions as the Minister of Finance, with the approval of the Governor in Council, may determine, and secured by securities that the National Company is authorized to issue pursuant to this Act.

Maximum
aggregate
principal
amount of
loan.

(2) The aggregate principal amount of loans made pursuant to subsection (1) shall not exceed \$76,800,000 less the amount that the National Company receives in respect of the period from the 1st day of January, 1961 to the 30th day of June, 1962, both inclusive, from the sale to the Minister of Finance of preferred stock of the National Company.

Securities
for re-
payment.

(3) Securities issued to secure a loan made by the Minister of Finance under this section are deemed not to be included in the amount specified in subsection (3) of section 4 if securities have been issued and sold to repay that loan.

GENERAL.

Power to
aid other
companies.

7. The National Company may aid and assist, in any manner not inconsistent with section 3, any others of the companies and railways comprised in the National System and, without limiting the generality of the foregoing, may for its own requirements and also for the requirements of any others of the said companies and railways

(a) apply the proceeds of any issue of securities towards meeting expenditures authorized by section 3 on its own account or on account of any others of the said companies and railways, and

(b) make advances of amounts required for meeting expenditures authorized by section 3 to any others of the said companies and railways upon or without any security, at discretion.

Proceeds
paid to
credit of
Minister of
Finance
in trust.

8. The proceeds of any sale, pledge or other disposition of any guaranteed securities shall, in the first instance, be paid into the Consolidated Revenue Fund or shall be deposited to the credit of the Minister of Finance, in trust for the National Company, in one or more banks designated

by him, and upon application to the Minister of Finance by the National Company approved by the Minister of Transport, shall be paid to the National Company by the Minister of Finance out of the Consolidated Revenue Fund, or on instructions from the Minister of Finance by the banks in which they are deposited, as the case may be, for the purposes stated in such application.

9. (1) Where, at any time before the 1st day of July, 1962, the available revenues of the National System are not sufficient to pay all the operating and income charges of the National System as and when due, the Minister of Finance, upon application by the National Company approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of the National Company such amounts as may be required to enable the National Company to meet all such charges.

Minister may place amounts at disposal of Company.

(2) All amounts placed at the disposal of the National Company pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of the National System in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Amounts reimbursed to Minister from annual revenues.

10. (1) Where, at any time before the 1st day of July, 1962, the available revenues of Trans-Canada Air Lines are not sufficient to pay all the operating and income charges thereof as and when due, the Minister of Finance, upon application by Trans-Canada Air Lines approved by the Minister of Transport, may, with the approval of the Governor in Council, place at the disposal of Trans-Canada Air Lines such amounts as may be required to enable Trans-Canada Air Lines to meet all such charges.

Trans-Canada Air Lines.

(2) All amounts placed at the disposal of Trans-Canada Air Lines pursuant to subsection (1) shall be reimbursed to the Minister of Finance from the annual revenues of Trans-Canada Air Lines in so far as such revenues are sufficient, and any insufficiency shall be provided for by subsequent deficit appropriation by Parliament.

Amounts reimbursed from annual revenues.

11. Notwithstanding anything in section 4 of the *Canadian National Railways Capital Revision Act* or in any instrument in writing delivered by the National Company pursuant thereto, interest shall not be payable by the National Company on the sum of one hundred million dollars mentioned therein in respect of the further period of one year commencing on the 1st day of January, 1962.

Extension of period in respect of which no interest payable.

Continuation
for further
year of
application
of R.S., c. 311,
s. 6(1).

12. Notwithstanding anything in the *Canadian National Railways Capital Revision Act* or in the *Canadian National Railways Financing and Guarantee Act, 1960*, subsection (1) of section 6 of the *Canadian National Railways Capital Revision Act* applies in respect of the fiscal year of the National Company commencing in 1962.

Issue of
substituted
securities:
1955, c. 31,
s. 3.

13. Section 3 of the *Canadian National Railways Refunding Act, 1955* shall be read and construed as if for the reference to the amount of two hundred million dollars therein there were substituted a reference to the amount of two hundred and thirty million dollars.

Auditors.

14. J. A. de Lalanne of Montreal, Chartered Accountant, is appointed as independent auditor to make a continuous audit of the accounts for the year 1962 of National Railways as defined in the *Canadian National Railways Act*.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 42

An Act to amend An Act to amend the Combines Investigation Act and the Criminal Code.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1959, c. 40;
1960, c. 45.

1. Section 1 of *An Act to amend the Combines Investigation Act and the Criminal Code*, chapter 40 of the Statutes of 1959, as amended by section 23 of *An Act to amend the Combines Investigation Act and the Criminal Code*, chapter 45 of the Statutes of 1960, is repealed and the following substituted therefor: 1959, c. 40,
s. 1;
1960, c. 45,
s. 23.

“1. Nothing in the *Combines Investigation Act* or in section 411 of the *Criminal Code* shall be construed to apply to any contract, agreement or arrangement between fishermen or associations of fishermen in British Columbia, and persons or associations of persons engaged in the buying or processing of fish in British Columbia, relating to the prices, remuneration or other conditions under which fish will be caught and supplied to such persons by fishermen between the 1st day of January, 1959 and the 31st day of December, 1962.” Application
of Acts to
fishing
agreements.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 43

An Act to amend the Criminal Code.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41;
1960, c. 37.

1. Subparagraphs (k) and (l) of paragraph (9) of section 2 of the *Criminal Code* are repealed and the following substituted therefor:

“(k) in the Yukon Territory, the Court of Appeal, and
(l) in the Northwest Territories, the Court of Appeal;”

2. Section 3 of the said Act is amended by adding thereto the following subsection:

“(7) Where, pursuant to this Act, any summons, notice or other process is required to be or may be served upon a corporation, and no other method of service is provided, such service may be effected by delivering the process

Service of
process.

- (a) in the case of a municipal corporation, to the mayor, warden, reeve, or other chief officer of the corporation, or to the secretary, treasurer or clerk of the corporation, and
- (b) in the case of any other corporation, to the manager, secretary or other executive officer of the corporation or of a branch thereof.”

3. Section 221 of the said Act is amended by adding thereto the following subsection:

“(4) Every one who drives a motor vehicle on a street, road, highway or other public place in a manner that is dangerous to the public, having regard to all the circumstances including the nature, condition and use of such place and the amount of traffic that at the time is or might reasonably be expected to be on such place, is guilty of

Dangerous
driving.

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction."

4. (1) All that portion of subsection (1) of section 225 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Order prohibiting driving.

"225. (1) Where an accused is convicted of an offence under section 192, 193 or 207 committed by means of a motor vehicle or of an offence under section 221, 222 or 223, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from driving a motor vehicle on the highway in Canada"

(2) Subsection (3) of section 225 of the said Act is repealed and the following substituted therefor:

Driving while disqualified.

"(3) Every one who drives a motor vehicle in Canada while he is disqualified or prohibited from driving a motor vehicle by reason of

- (a) the legal suspension or cancellation, in any province, of his permit or licence to drive a motor vehicle in that province, or
 - (b) an order made pursuant to subsection (1),
- is guilty of
- (c) an indictable offence and is liable to imprisonment for two years, or
 - (d) an offence punishable on summary conviction."

5. The said Act is further amended by adding thereto, immediately after section 226 thereof, the following section:

Dangerous operation of vessel, etc.

"226A. (1) Every one who navigates or operates a vessel or any water skis, surf board, water sled or other towed object on any of the waters or territorial waters of Canada, in a manner that is dangerous to navigation, life or limb, having regard to all the circumstances including the nature and condition of such waters and the use that at the time is or might reasonably be expected to be made of such waters, is guilty of

- (a) an indictable offence and is liable to imprisonment for two years, or
- (b) an offence punishable on summary conviction.

Failure to keep watch on person towed.

(2) Every one who navigates or operates a vessel while towing a person on any water skis, surf board, water sled or other object, when there is not on board such vessel another responsible person keeping watch on the person being towed, is guilty of an offence punishable on summary conviction.

(3) Every one who navigates or operates a vessel while towing a person on any water skis, surf board, water sled or other object during the period from one hour after sunset to sunrise is guilty of an offence punishable on summary conviction.

Towing of person after dark.

(4) Every one who, while his ability to navigate or operate a vessel is impaired by alcohol or a drug, navigates or operates a vessel is guilty of an offence punishable on summary conviction.

Operation of vessel while ability is impaired.

(5) Every one who, having the care, charge or control of a vessel that is involved in an accident with a person or another vessel in charge of a person, with intent to escape civil or criminal liability fails to stop his vessel, give his name and address and, where any person has been injured or appears to require assistance, offer assistance, is guilty of

Failing to stop at scene of accident.

(a) an indictable offence and is liable to imprisonment for two years, or

(b) an offence punishable on summary conviction.

(6) In proceedings under subsection (5), evidence that an accused failed to stop his vessel, offer assistance where any person has been injured or appears to require assistance and give his name and address is *prima facie* evidence of an intent to escape civil or criminal liability.

Prima facie evidence.

(7) Where an accused is convicted of an offence under section 192, 193, 207 or subsection (1), (2), (3), (4) or (5) of this section, committed by means of a vessel, the court, judge, justice or magistrate, as the case may be, may, in addition to any other punishment that may be imposed for that offence, make an order prohibiting him from navigating or operating a vessel on any of the waters or territorial waters of Canada

Order prohibiting operation of vessel.

(a) during any period that the court, judge, justice or magistrate considers proper, if he is liable to imprisonment for life in respect of that offence, or

(b) during any period not exceeding three years, if he is not liable to imprisonment for life in respect of that offence.

(8) No order made under subsection (7) shall operate to prevent any person from acting as master, mate or engineer of a vessel that is required to carry officers holding certificates as master, mate or engineer.

Saving provision.

(9) Every one who navigates or operates a vessel on any of the waters or territorial waters of Canada while he is prohibited from navigating or operating a vessel by reason of an order made pursuant to subsection (7), is guilty of an offence punishable on summary conviction.

Operating vessel while disqualified.

(10) Subsections (3) to (7) of section 224 apply *mutatis mutandis* to proceedings under this section."

Provisions applicable.

6. Section 273 of the said Act is repealed and the following substituted therefor:

Theft of telecommunication service.

“273. (1) Every one commits theft who fraudulently, maliciously, or without colour of right,

(a) abstracts, consumes or uses electricity or gas or causes it to be wasted or diverted; or

(b) uses any telecommunication wire or cable or obtains any telecommunication service.

“Telecommunication” defined.

(2) In this section, “telecommunication” means any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire or cable.”

7. Subsection (4) of section 304 of the said Act is repealed and the following substituted therefor:

Presumption from cheque issued without funds.

“(4) Where, in proceedings under paragraph (a) of subsection (1), it is shown that anything was obtained by the accused by means of a cheque that, when presented for payment within a reasonable time, was dishonoured on the ground that no funds or insufficient funds were on deposit to the credit of the accused in the bank or other institution on which the cheque was drawn, it shall be presumed to have been obtained by a false pretence, unless the court is satisfied by evidence that when the accused issued the cheque he had reasonable grounds to believe that it would be honoured if presented for payment within a reasonable time after it was issued.

“Cheque” defined.

(5) In this section, “cheque” includes, in addition to its ordinary meaning, a bill of exchange drawn upon any institution that makes it a business practice to honour bills of exchange or any particular kind thereof drawn upon it by depositors.”

8. Section 307 of the said Act is amended by adding thereto the following subsection:

“Cheque” defined.

“(3) In this section, “cheque” includes, in addition to its ordinary meaning, a bill of exchange drawn upon any institution that makes it a business practice to honour bills of exchange or any particular kind thereof drawn upon it by depositors.”

9. Section 315 of the said Act is repealed and the following substituted therefor:

False messages.

“315. (1) Every one who, with intent to injure or alarm any person, conveys or causes or procures to be conveyed by letter, telegram, telephone, cable, radio, or otherwise, information that he knows is false is guilty of an indictable offence and is liable to imprisonment for two years.

(2) Every one who, with intent to alarm or annoy any person, makes any indecent telephone call to such person is guilty of an offence punishable on summary conviction.”

Indecent
telephone
calls.

10. (1) Subsection (1) of section 316 of the said Act is repealed and the following substituted therefor:

“**316.** (1) Every one commits an offence who by letter, telegram, telephone, cable, radio, or otherwise, knowingly utters, conveys or causes any person to receive a threat

Threatening
letters and
telephone
calls.

- (a) to cause death or injury to any person, or
- (b) to burn, destroy or damage real or personal property, or
- (c) to kill, maim, wound, poison or injure an animal or bird that is the property of any person.”

(2) Subsection (3) of section 316 of the said Act is repealed and the following substituted therefor:

“(3) Every one who commits an offence under paragraph (b) or (c) of subsection (1) is guilty of

Punishment

- (a) an indictable offence and is liable for imprisonment for two years, or
- (b) an offence punishable on summary conviction.”

11. Subsection (2) of section 384 of the said Act is repealed and the following substituted therefor:

“(2) A land surveyor does not commit an offence under subsection (1) where, in his operations as a land surveyor

Saving
provision.

- (a) he takes up, when necessary, a boundary mark mentioned in paragraph (b) of subsection (1) and carefully replaces it as it was before he took it up, or
- (b) he takes up a boundary mark mentioned in paragraph (b) of subsection (1) in the course of surveying for a highway or other work that, when completed, will make it impossible or impracticable for such boundary mark to occupy its original position, and he establishes a permanent record of the original position sufficient to permit such position to be ascertained.”

12. Subsection (3) of section 421 of the said Act is repealed and the following substituted therefor:

“(3) Where an accused is in custody and signifies in writing before a magistrate his intention to plead guilty to an offence with which he is charged that is alleged to have been committed in Canada outside the province in which he is in custody, he may, if the offence is not an offence mentioned in subsection (2) of section 413, and the

Exception.

Attorney General or Deputy Attorney General of the province where the offence is alleged to have been committed consents, be brought before a court or person that would have had jurisdiction to try that offence if it had been committed in the province where the accused is in custody, and where he pleads guilty to that offence, the court or person shall convict the accused and impose the punishment warranted by law, but where he does not plead guilty, he shall be returned to custody and shall be dealt with according to law."

13. Subsection (1) of section 421A of the said Act is repealed and the following substituted therefor:

Offences
outstanding
in same
province.

"**421A.** (1) Where an accused is in custody and signifies in writing before a magistrate his intention to plead guilty to an offence with which he is charged that is alleged to have been committed in the province in which he is in custody, he may, if the offence is not an offence mentioned in subsection (2) of section 413, be brought before a court or person that would have had jurisdiction to try that offence if it had been committed in the place where the accused is in custody, and where he pleads guilty to that offence, the court or person shall convict the accused and impose the punishment warranted by law, but where he does not plead guilty, he shall be returned to custody and shall be dealt with according to law."

14. Section 435 of the said Act is repealed and the following substituted therefor:

By peace
officer.

"**435.** A peace officer may arrest without warrant
(a) a person who has committed an indictable offence or who, on reasonable and probable grounds, he believes has committed or is about to commit an indictable offence or is about to commit suicide, or
(b) a person whom he finds committing a criminal offence."

15. Subsections (4) and (5) of section 441 of the said Act are repealed.

16. Paragraph (a) of subsection (1) of section 463 of the said Act is repealed and the following substituted therefor:

"(a) where an accused is charged with an offence other than an offence punishable by death, an offence under sections 50 to 53, or non-capital murder, he may apply to a judge of a county or district court, or a magistrate as defined in section 466, who has jurisdiction in the territorial division in which the accused was committed for trial or is confined; and"

17. Section 464 of the said Act is repealed and the following substituted therefor:

“**464.** Notwithstanding anything in this Act, no court, judge, justice or magistrate, other than a judge of or a judge presiding in a superior court of criminal jurisdiction for the province in which an accused is charged with an offence punishable by death, an offence under sections 50 to 53 or non-capital murder may admit that accused to bail before or after committal for trial.”

Bail in
certain cases

18. Paragraph (c) of section 467 of the said Act is amended by adding thereto, immediately after subparagraph (vi) thereof, the following subparagraph:

“(via) subsection (3) of section 225,”

19. (1) Subsection (1) of section 475 of the said Act is repealed and the following substituted therefor:

“**475.** (1) Where an accused elects or is deemed to have elected to be tried by a court composed of a judge and jury, the accused may notify the sheriff in the territorial division in which he is to be tried that he desires to re-elect under this section.”

Notice of
intention to
re-elect.

(2) Subsection (3) of section 475 of the said Act is repealed and the following substituted therefor:

“(3) The accused shall attend or, if he is in custody, shall be produced at the time and place fixed under subsection (2) and shall, after the charge upon which he has been committed for trial or ordered to stand trial has been read to him, be put to his election in the following words:

Election.

You have elected or are deemed to have elected to be tried by a court composed of a judge and jury. Do you now elect to be tried by a judge without a jury?”

20. Paragraph (b) of section 477 of the said Act is repealed and the following substituted therefor:

“(b) he was committed for trial or ordered to stand trial by a magistrate who, pursuant to section 469, continued the proceedings before him as a preliminary inquiry.”

21. Subsection (1) of section 514 of the said Act is repealed and the following substituted therefor:

“**514.** (1) A judge of a superior court of criminal jurisdiction or a court of criminal jurisdiction may, on summary application on behalf of the accused or the prosecutor, after three days’ notice to the accused or prosecutor, as the case may be, order the release of any exhibit for

Release of
exhibits for
testing.

the purpose of a scientific or other test or examination, subject to such terms as appear to be necessary or desirable to ensure the safeguarding of the exhibit and its preservation for use at the trial."

22. Section 524 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Custody for observation.

"(1a) A court, judge or magistrate may, at any time before verdict or sentence, when of the opinion, supported by the evidence of at least one duly qualified medical practitioner, that there is reason to believe that

(a) an accused is mentally ill, or

(b) the balance of the mind of an accused is disturbed, where the accused is a female person charged with an offence arising out of the death of her newly-born child,

remand the accused, by order in writing, to such custody as the court, judge or magistrate directs for observation for a period not exceeding thirty days."

23. Subsection (3) of section 529 of the said Act is repealed.

24. Section 569 of the said Act is amended by adding thereto the following subsection:

Conviction for dangerous driving, etc., where criminal negligence or manslaughter charged.

"(4) Where a count charges an offence under section 192, 193 or 207 arising out of the operation of a motor vehicle or the navigation or operation of a vessel, or an offence under subsection (1) of section 221, and the evidence does not prove such offence but does prove an offence under subsection (4) of section 221 or subsection (1) of section 226A, the accused may be convicted of an offence under subsection (4) of section 221 or subsection (1) of section 226A, as the case may be."

25. Subsection (2) of section 584 of the said Act is repealed and the following substituted therefor:

Acquittal.

"(2) For the purposes of this section a judgment or verdict of acquittal includes an acquittal in respect of an offence specifically charged where the accused has on the trial thereof been convicted of an included or other offence."

26. (1) Paragraph (d) of subsection (1) of section 592 of the said Act is repealed and the following substituted therefor:

"(d) may set aside a conviction and find the appellant not guilty on account of insanity and order the

appellant to be kept in safe custody to await the pleasure of the Lieutenant-Governor where it is of the opinion that, although the appellant committed the act or made the omission charged against him, he was insane at the time the act was committed or the omission was made, so that he was not criminally responsible for his conduct."

(2) Subsection (5) of section 592 of the said Act is amended by striking out the word "and" at the end of paragraph (b) thereof, by adding the word "and" at the end of paragraph (c) thereof, and by adding thereto the following paragraph:

"(d) notwithstanding paragraph (a), if the conviction against which the accused appealed was for an offence mentioned in section 467 and was made by a magistrate, the new trial shall be held before a magistrate acting under Part XVI, other than the magistrate who tried the accused in the first instance, unless the court of appeal directs that the new trial be held before the magistrate who tried the accused in the first instance."

27. (1) All that portion of subsection (1) of section 597 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"**597.** (1) A person who is convicted of an indictable offence other than an offence punishable by death and whose conviction is affirmed by the court of appeal may appeal to the Supreme Court of Canada"

Appeal from conviction.

(2) Paragraph (a) of subsection (2) of section 597 of the said Act is repealed and the following substituted therefor:

"(a) who is acquitted of an indictable offence other than an offence punishable by death and whose acquittal is set aside by the court of appeal, or"

28. Subsection (1) of section 604 of the said Act is repealed and the following substituted therefor:

"**604.** (1) Where a person is required to attend to give evidence before a superior court of criminal jurisdiction, a court of appeal, an appeal court or a court of criminal jurisdiction other than a magistrate acting under Part XVI, the subpoena directed to that person shall be issued out of the court before which the attendance of that person is required."

How subpoena issued.

29. Subsection (1) of section 607 of the said Act is repealed and the following substituted therefor:

Subpoena
effective
throughout
Canada.

“**607.** (1) A subpoena that is issued out of a superior court of criminal jurisdiction, a court of appeal, an appeal court or a court of criminal jurisdiction other than a magistrate acting under Part XVI has effect anywhere in Canada according to its terms.”

30. Subsection (1) of section 608 of the said Act is repealed and the following substituted therefor:

Warrant
effective
throughout
Canada.

“**608.** (1) A warrant that is issued out of a superior court of criminal jurisdiction, a court of appeal, an appeal court or a court of criminal jurisdiction other than a magistrate acting under Part XVI may be executed anywhere in Canada.”

31. Subsection (2) of section 637 of the said Act is repealed and the following substituted therefor:

Form of
recognizance.

“(2) A recognizance under this section may be in Form 28 and the provisions of subsections (2) and (3) of section 638 apply *mutatis mutandis* in respect of such recognizance.”

32. Paragraph (b) of section 659 of the said Act is repealed and the following substituted therefor:

“Dangerous
sexual
offender.”

“(b) “dangerous sexual offender” means a person who, by his conduct in any sexual matter, has shown a failure to control his sexual impulses, and who is likely to cause injury, pain or other evil to any person, through failure in the future to control his sexual impulses or is likely to commit a further sexual offence, and”

33. (1) All that portion of subsection (1) of section 660 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Application
for
preventive
detention.

“**660.** (1) Where an accused has been convicted of an indictable offence the court may, upon application, impose a sentence of preventive detention in lieu of any other sentence that might be imposed for the offence of which he was convicted or that was imposed for such offence, or in addition to any sentence that was imposed for such offence if the sentence has expired, if”

(2) Section 660 of the said Act is further amended by adding thereto the following subsection:

Presence of
accused.

“(3) At the hearing of an application under subsection (1), the accused is entitled to be present.”

34. The heading preceding section 661 and section 661 of the said Act are repealed and the following substituted therefor:

“DANGEROUS SEXUAL OFFENDERS.

661. (1) Where an accused has been convicted of

- (a) an offence under
 - (i) section 136,
 - (ii) section 138,
 - (iii) section 141,
 - (iv) section 147,
 - (v) section 148, or
 - (vi) section 149; or

Evidence.
 Rape.
 Carnal knowledge.
 Indecent assault on female.
 Buggery or bestiality.
 Indecent assault on male.
 Gross indecency.

- (b) an attempt to commit an offence under a provision mentioned in paragraph (a),

the court shall, upon application, hear evidence as to whether the accused is a dangerous sexual offender.

(2) On the hearing of an application under subsection (1) the court shall hear any relevant evidence, and shall hear the evidence of at least two psychiatrists, one of whom shall be nominated by the Attorney General.

Evidence of psychiatrists.

(3) Where the court finds that the accused is a dangerous sexual offender it shall, notwithstanding anything in this Act or any other Act of the Parliament of Canada, impose upon the accused a sentence of preventive detention in lieu of any other sentence that might be imposed for the offence of which he was convicted or that was imposed for such offence, or in addition to any sentence that was imposed for such offence if the sentence has expired.

Sentence of preventive detention.

(4) At the hearing of an application under subsection (1), the accused is entitled to be present.”

Presence of accused.

35. (1) Subsections (1) and (2) of section 662 of the said Act are repealed and the following substituted therefor:

“**662.** (1) The following provisions apply with respect to applications under this Part, namely,

Notice of application.

- (a) an application under subsection (1) of section 660 shall not be heard unless
 - (i) the Attorney General of the province in which the accused is to be tried consents,
 - (ii) seven clear days’ notice has been given to the accused by the prosecutor, either before or after conviction or sentence but within three months after the passing of sentence and before the sentence has expired, specifying the previous convictions and the other circumstances, if any, upon which it is intended to found the application, and
 - (iii) a copy of the notice has been filed with the clerk of the court or the magistrate, as the case may be; and

(b) an application under subsection (1) of section 661 shall not be heard unless seven clear days' notice thereof has been given to the accused by the prosecutor either before or after conviction or sentence but within three months after the passing of sentence and before the sentence has expired, and a copy of the notice has been filed with the clerk of the court or with the magistrate, where the magistrate is acting under Part XVI.

Hearing of application.

(2) An application under this Part shall be heard and determined by the court without a jury."

(2) Section 662 of the said Act is further amended by adding thereto the following subsections:

Where application not heard before sentence.

"(4) Where an application under subsection (1) of section 660 or subsection (1) of section 661 has not been heard before the accused is sentenced for the offence for which he has been convicted, the application shall not be heard by the judge or magistrate who sentenced the accused but may be heard by any other judge or magistrate who might have held or sat in the same court.

Prima facie evidence.

(5) The production of a document purporting to contain any nomination or consent that may be made or given by the Attorney General under this Part and to be signed by the Attorney General is *prima facie* evidence of such nomination or consent."

36. Section 663 of the said Act is repealed and the following substituted therefor:

Evidence of character and repute.

"**663.** Without prejudice to the right of the accused to tender evidence as to his character and repute, evidence of character and repute may, where the court thinks fit, be admitted on the question whether the accused is or is not persistently leading a criminal life or is or is not a dangerous sexual offender, as the case may be."

37. Section 664 of the said Act is repealed.

38. Subsection (1) of section 665 of the said Act is repealed.

39. Section 666 of the said Act is repealed and the following substituted therefor:

Review by Minister of Justice.

"**666.** Where a person is in custody under a sentence of preventive detention, the Minister of Justice shall, at least once in every year, review the condition, history and circumstances of that person for the purpose of determining whether he should be permitted to be at large on licence, and if so, on what conditions."

40. Subsections (1) and (2) of section 667 of the said Act are repealed and the following substituted therefor:

“**667.** (1) A person who is sentenced to preventive detention under this Part may appeal to the court of appeal against that sentence on any ground of law or fact or mixed law and fact. Appeal.”

(2) The Attorney General may appeal to the court of appeal against the dismissal of an application for an order under this Part on any ground of law. Appeal by Attorney General.

(2a) On an appeal against a sentence of preventive detention the court of appeal may Court of appeal may consider.

(a) quash such sentence and impose any sentence that might have been imposed in respect of the offence for which the appellant was convicted, or

(b) dismiss the appeal.

(2b) On an appeal against the dismissal of an application for an order under this Part the court of appeal may Idem.

(a) allow the appeal, set aside any sentence imposed in respect of the offence for which the respondent was convicted and impose a sentence of preventive detention, or

(b) dismiss the appeal.

(2c) A judgment of the court of appeal imposing a sentence pursuant to this section has the same force and effect as if it were a sentence passed by the trial court.” Effect of judgment.

41. Subsections (4) and (5) of section 697 of the said Act are repealed and the following substituted therefor:

“(4) A summary conviction court before which proceedings under this Part are commenced may, at any time before the trial, waive jurisdiction over the proceedings. Waiving of jurisdiction.”

(5) A waiver pursuant to subsection (4) may be to a particular summary conviction court or it may be, generally, to any summary conviction court having jurisdiction to try the accused.” How waiver may be made.

42. Section 710 of the said Act is amended by adding thereto the following subsection:

“(5) Notwithstanding subsection (1), the summary conviction court may, at any time before convicting a defendant or making an order against him or dismissing the information, as the case may be, when of the opinion, supported by the evidence of at least one duly qualified medical practitioner, that there is reason to believe that the defendant is mentally ill, remand the defendant, by order in writing, to such custody as the court directs for observation for a period not exceeding thirty days.” Custody for observation.

43. (1) Subsection (1) of section 721 of the said Act is repealed.

(2) Subsection (2) of section 721 of the said Act is repealed and the following substituted therefor:

British
Columbia,
Alberta,
Saskat-
chewan.

“(2) In the provinces of British Columbia, Alberta and Saskatchewan, an appeal under section 720 shall be heard at the sittings of the appeal court that is held nearest to the place where the cause of the proceedings arose, but the judge of the appeal court may, on the application of one of the parties, appoint a place for the hearing of the appeal.”

44. (1) Paragraph (a) of subsection (2) of section 734 of the said Act is repealed and the following substituted therefor:

“(a) the application

- (i) shall be in writing and be directed to the summary conviction court,
- (ii) shall be served upon the summary conviction court by leaving with that court a copy thereof within thirty clear days after the time when the adjudication that is questioned was made;”

(2) Paragraph (c) of subsection (2) of section 734 of the said Act is repealed and the following substituted therefor:

“(c) the appellant shall, within fifteen clear days after receiving the stated case,

- (i) give to the respondent a notice in writing of the appeal with a copy of the stated case, and
- (ii) transmit the stated case to the superior court.”

45. Subsection (2) of section 743 of the said Act is repealed and the following substituted therefor:

Sections
applicable.

“(2) Sections 581 to 595 apply *mutatis mutandis* to an appeal under this section.”

Coming
into force.

46. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 44

An Act to amend the Criminal Code (Capital Murder).

[Assented to 13th July, 1961.]

1953-54, c. 51;
1955, cc. 2, 45;
1956, c. 48;
1957-58, c. 28;
1958, c. 18;
1959, c. 41;
1960, c. 37.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The *Criminal Code* is amended by adding thereto, immediately after section 202 thereof, the following section:

“202A. (1) Murder is capital murder or non-capital murder.

Classification of murder.

(2) Murder is capital murder, in respect of any person, where

Capital murder defined.

- (a) it is planned and deliberate on the part of such person,
- (b) it is within section 202 and such person
 - (i) by his own act caused or assisted in causing the bodily harm from which the death ensued,
 - (ii) by his own act administered or assisted in administering the stupefying or over-powering thing from which the death ensued,
 - (iii) by his own act stopped or assisted in the stopping of the breath from which the death ensued,
 - (iv) himself used or had upon his person the weapon as a consequence of which the death ensued, or
 - (v) counselled or procured another person to do any act mentioned in subparagraph (i), (ii) or (iii) or to use any weapon mentioned in subparagraph (iv), or
- (c) such person by his own act caused or assisted in causing the death of
 - (i) a police officer, police constable, constable, sheriff, deputy sheriff, sheriff's officer or other person employed for the preservation and maintenance of the public peace, acting in the course of his duties, or

(ii) a warden, deputy warden, instructor, keeper, gaoler, guard or other officer or permanent employee of a prison, acting in the course of his duties,
or counselled or procured another person to do any act causing or assisting in causing the death.

Non-capital murder.

(3) All murder other than capital murder is non-capital murder."

2. Section 206 of the said Act is repealed and the following substituted therefor:

Punishment for capital murder.

"206. (1) Every one who commits capital murder is guilty of an indictable offence and shall be sentenced to death.

Punishment for non-capital murder.

(2) Every one who commits non-capital murder is guilty of an indictable offence and shall be sentenced to imprisonment for life.

Exception for persons under age of eighteen years.

(3) Notwithstanding subsection (1), a person who appears to the court to have been under the age of eighteen years at the time he committed a capital murder shall not be sentenced to death upon conviction therefor but shall be sentenced to imprisonment for life.

Minimum punishment.

(4) For the purposes of Part XX, the sentence of imprisonment for life prescribed by this section is a minimum punishment."

3. The said Act is further amended by adding thereto, immediately after section 492 thereof, the following section:

Capital murder to be specifically charged.

"492A. No person shall be convicted of capital murder unless in the indictment charging the offence he is specifically charged with capital murder."

4. Subsections (1) and (2) of section 515 of the said Act are repealed and the following substituted therefor:

Pleas permitted.

"515. (1) An accused who is not charged with an offence punishable by death and is called upon to plead may plead guilty or not guilty, or the special pleas authorized by this Part and no others.

Refusal to plead.

(2) Where an accused who is not charged with an offence punishable by death refuses to plead or does not answer directly, the court shall order the clerk of the court to enter a plea of not guilty.

Pleas where offence punishable by death.

(2a) An accused who is charged with an offence punishable by death and is called upon to plead may plead not guilty, or the special pleas authorized by this Part and no others.

Where no plea offered.

(2b) Where an accused who is charged with an offence punishable by death does not plead not guilty or one of the special pleas authorized by this Part or does not answer directly, the court shall order the clerk of the court to enter a plea of not guilty."

5. Subsection (4) of section 516 of the said Act is repealed and the following substituted therefor:

“(4) When the pleas referred to in subsection (3) are disposed of against the accused, he may plead guilty or not guilty, unless he is charged with an offence punishable by death, in which case the court shall order the clerk of the court to enter a plea of not guilty.”

Pleading over.

6. Section 519 of the said Act is amended by adding thereto, immediately after subsection (2) thereof, the following subsection:

“(2a) A conviction or acquittal on an indictment for capital murder bars a subsequent indictment for the same homicide charging it as non-capital murder, and a conviction or acquittal on an indictment for non-capital murder bars a subsequent indictment for the same homicide charging it as capital murder.”

Effect of previous charge of capital murder or non-capital murder.

7. Section 569 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

“(1a) For greater certainty and without limiting the generality of subsection (1), where a count charges capital murder and the evidence does not prove capital murder, but proves non-capital murder, or an attempt to commit non-capital murder, the jury may find the accused not guilty of capital murder but guilty of non-capital murder or an attempt to commit non-capital murder, as the case may be.”

Where capital murder charged and part only proved.

8. The said Act is further amended by adding thereto, immediately after section 583 thereof, the following section:

“583A. (1) Notwithstanding any other provision of this Act a person who has been sentenced to death may appeal to the court of appeal

Right of appeal of person sentenced to death.

(a) against his conviction on any ground of appeal that involves a question of law or fact or mixed law and fact; and

(b) against his sentence unless that sentence is one fixed by law.

(2) A person who has been sentenced to death shall, notwithstanding he has not given notice pursuant to section 586, be deemed to have given such notice and to have appealed against his conviction and against his sentence unless that sentence is one fixed by law.

Notice deemed to have been given.

(3) The court of appeal, on an appeal pursuant to this section, shall

Court of appeal may consider.

(a) consider any ground of appeal alleged in the notice of appeal, if any notice has been given, and

- (b) consider the record to ascertain whether there are present any other grounds upon which the conviction ought to be set aside or the sentence varied, as the case may be."

9. Section 586 of the said Act is amended by adding thereto the following subsection:

Suspension of execution of sentence of death.

"(5) Where, pursuant to a conviction, a sentence of death has been imposed, the execution of the sentence shall be suspended until after the determination of the appeal pursuant to section 583A whether or not the production of a certificate mentioned in subsection (4) has been made, and where, as a result of such suspension, a new time is required to be fixed for the execution of the sentence, it may be fixed by the judge who imposed the sentence or any judge who might have held or sat in the same court."

10. (1) Subsection (2) of section 588 of the said Act is repealed and the following substituted therefor:

Transcript of evidence.

- "(2) A copy or transcript of
- (a) the evidence taken at the trial,
 - (b) the charge to the jury, if any,
 - (c) the reasons for judgment, if any, and
 - (d) the addresses of the prosecutor and the accused or counsel for the accused by way of summing up, if
 - (i) a ground for the appeal is based upon either of the addresses, or
 - (ii) the appeal is pursuant to section 583A,

shall be furnished to the court of appeal, except in so far as it is dispensed with by order of a judge of that court."

(2) Subsection (4) of section 588 of the said Act is repealed and the following substituted therefor:

Copies to interested parties.

- "(4) A party to the appeal is entitled to receive
- (a) without charge, if the appeal is against a conviction in respect of which a sentence of death has been imposed or against such sentence, or
 - (b) upon payment of any charges that are fixed by rules of court, in any other case,

a copy or transcript of any material that is prepared under subsections (2) and (3)."

11. The said Act is further amended by adding thereto, immediately after section 597 thereof, the following section:

Appeal on law or fact or mixed law and fact.

"597A. Notwithstanding any other provision of this Act, a person

- (a) who has been sentenced to death and whose conviction is affirmed by the court of appeal, or

(b) who is acquitted of an offence punishable by death and whose acquittal is set aside by the court of appeal,

may appeal to the Supreme Court of Canada on any ground of law or fact or mixed law and fact.”

12. All that portion of subsection (1) of section 598 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

“**598.** (1) Where a judgment of a court of appeal sets aside a conviction pursuant to an appeal taken under section 583 or 583A or dismisses an appeal taken pursuant to paragraph (a) of subsection (1) of section 584, the Attorney General may appeal to the Supreme Court of Canada”

Appeal by
Attorney
General.

13. The said Act is further amended by adding thereto, immediately after section 642 thereof, the following section:

“**642A.** (1) Where a jury finds an accused guilty of an offence punishable by death, the judge who presides at the trial shall, before discharging the jury, put to them the following question:

Recommen-
dation by
jury.

You have found the accused guilty and the law requires that I now pronounce sentence of death against him (or “the law provides that he may be sentenced to death”, as the case may be). Do you wish to make any recommendation as to whether or not he should be granted clemency. You are not required to make any recommendation but if you do make a recommendation either in favour of clemency or against it, your recommendation will be included in the report that I am required to make of this case to the Minister of Justice and will be given due consideration.

(2) If the jury reports to the judge that it is unable to agree upon a recommendation, either in favour of clemency or against it, and the judge is satisfied that further retention of the jury would not lead to agreement, he shall ascertain the number of jurors who are in favour of making a recommendation for clemency and the number of jurors who are against making such a recommendation and shall include such information in the report required by subsection (1) of section 643.”

14. Subsection (2) of section 643 of the said Act is repealed and the following substituted therefor:

“(2) Where a judge who sentences a person to death or any judge who might have held or sat in the same court considers

When judge
may
repeive.

- (a) that the person should be recommended for the royal mercy, or
- (b) that, for any reason, it is necessary to delay the execution of the sentence,

the judge may, at any time, relieve the person for any period that is necessary for the purpose.”

15. Section 656 of the said Act is amended by adding thereto the following subsection:

Approval by
Governor in
Council of
release
after
commutation
of sentence.

“(3) If the Governor in Council so directs in the instrument of commutation, a person in respect of whom a sentence of death is commuted to imprisonment for life or a term of imprisonment, shall, notwithstanding any other law or authority, not be released during his life or such term, as the case may be, without the prior approval of the Governor in Council.”

Coming into
force.

16. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

Transitional.

17. (1) Where proceedings in respect of an offence that, under the provisions of the *Criminal Code* as it was before being amended by this Act, was punishable by death were commenced before the coming into force of this Act, the following rules apply, namely:

- (a) subject to paragraph (b), the offence shall be dealt with, inquired into, tried and determined, and any punishment in respect of that offence shall be imposed, as if this Act had not come into force;
- (b) where upon conviction for the offence a person is sentenced to death after the coming into force of this Act, the provisions of the *Criminal Code*, as amended by this Act, relating to appeals apply in respect of such conviction and sentence as if the offence had been committed after the coming into force of this Act; and
- (c) where a new trial of a person for the offence has been ordered by the court of appeal or the Supreme Court of Canada and the new trial is commenced after the coming into force of this Act, the new trial shall be commenced by the preferring of a new indictment before the court before which the accused is to be tried, and thereafter the offence shall be dealt with, inquired into, tried and determined, and any punishment in respect of the offence shall be imposed, as if it had been committed after the coming into force of this Act.

(2) Where proceedings in respect of an offence that would, if it had been committed before the coming into force of this Act, have been punishable by death are commenced after the coming into force of this Act, the offence shall be dealt with, inquired into, tried and determined, and any punishment in respect of the offence shall be imposed, as if it had been committed after the coming into force of this Act irrespective of when it was actually committed. Idem.

(3) For the purposes of this section, proceedings in respect of an offence shall be deemed to have commenced When proceedings deemed commenced.

- (a) upon the preferring of a bill of indictment before the grand jury of the court, in the case of a court constituted with a grand jury, and
- (b) upon the preferring of an indictment before the court, in any other case.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 45

An Act to amend the Customs Tariff.

[Assented to 13th July, 1961.]

R.S., cc. 60,
316;
1952-53, c. 31;
1953-54, c. 53;
1955, c. 51;
1956, c. 36;
1957, c. 21;
1958, c. 27;
1959, c. 12;
1960, c. 27.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) All that portion of subsection (2) of section 3 of the *Customs Tariff* preceding the enumeration of countries contained therein is repealed and the following substituted therefor:

“(2) The rates of Customs duties, if any, set forth in column (1), “British Preferential Tariff”, apply to goods the growth, produce or manufacture of the following British countries when conveyed without transshipment from a port of any British country enjoying the benefits of the British Preferential Tariff into a port of Canada:”

British
Preferential
Tariff.

(2) All that portion of subsection (2) of section 3 of the said Act following the enumeration of countries contained therein is repealed and the following substituted therefor:

“goods entitled to the benefits of the British Preferential Tariff shall be accorded such benefits when such goods are shipped on a bill of lading consigned to a consignee in a specified port in Canada when such goods are transferred at a port in a British possession, and conveyed without further transshipment into a port of Canada.”

2. Subsections (1) and (2) of section 5 of the said Act are repealed and the following substituted therefor:

“5. (1) The importer of goods entitled to the benefits of the British Preferential Tariff is entitled to a discount of ten per cent on the amount of duty computed under such Tariff, when such goods are conveyed without transshipment from a port of a country enjoying the benefits of the British Preferential Tariff into a port of Canada.

Discount on
importations
under British
Preference
into
Canadian
ports.

Consigned to
a consignee in
a specified
port in
Canada.

(2) Goods entitled to the benefits of the British Preferential Tariff are entitled to the discount authorized by this section, when shipped on a through bill of lading consigned to a consignee in a specified port in Canada, when such goods are transferred at a port in a British possession and conveyed without further transshipment into a port of Canada."

Schedule A
amended.

3. Schedule A to the said Act is amended by striking out tariff items

- (a) 521(2), 522(4), 528, 529, 529a, 534(a), 534(b), 538b, 538e, 538f, 538g(1), 538g(2), 538h, 538j, 538k, 538m, 538n, 538p, 541b, 542a, 542b, 545, 554d, 554e, 554f, 555, 556, 556a, 556b, 562a, 563a, 568, 568a(i), 568a(ii), 574, 574a, 574b, 619, 685 and 810;
- (b) 9, 9a, 9b, 9c, 9e, 152(e), 187c, 197a, 198a, 199m, 202a, 409c(3), 425, 425a, 425b, 427e, 431, 438h, 445o(i), 445o(ii), 445o(iii) and 658;
- (c) 296g, 319, 321, 322, 409d, 413a, 430c, 430e, 440d, 462d, 462i, 475c, 505c, 571a(2), 597d and 611a(4);

and the enumerations of goods and the rates of duty set opposite each of those items, and by inserting therein the items, enumerations of goods and rates of duty specified in the Schedule to this Act.

Commence-
ment.

4. This Act and the Schedule to this Act shall be deemed to have come into force on the 21st day of June, 1961, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day, and to have applied to goods previously imported for which no entry for consumption was made before that day.

SCHEDULE.

PART I.

Tariff Item	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
522			
Woven fabrics, wholly of cotton: (4) Composed of yarns of counts of one hundred or more, including all such fabrics in which the average of the count of warp and weft yarns is one hundred or more, <i>not including labels or name-tapes</i>	Free	25 p.c.	35 p.c.
528			
White cotton bobbinet, plain, in the web.....	Free	12½ p.c.	25 p.c.
532f			
Woven billiard cloth composed wholly or in part of wool or hair; melton cloth for use in the manufacture of tennis balls..... and, per pound	Free	20 p.c. 25 cts.	40 p.c. 35 cts.
532g			
Fabrics, coated or impregnated, composed wholly or in part of yarns of wool or hair, but not containing silk nor synthetic textile fibres or filaments, n.o.p.....	25 p.c.	27½ p.c.	55 p.c.
533a			
Clothing, wearing apparel and articles made from woven fabrics, and all textile manufactures, wholly or partially manufactured, composed wholly or in part of wool or hair, <i>when the textile component thereof is not more than fifty per cent, by weight, of silk</i> , n.o.p.....	25 p.c.	27½ p.c.	55 p.c.
533b			
Felt, pressed, in the web, <i>wholly or in part of wool</i> , not consisting of or in combination with any woven, knitted or other fabric or material.... and, per pound	12½ p.c.	17½ p.c. 12½ cts.	25 p.c. 20 cts.
534a			
(1) Household blankets of any material except wholly of cotton..... and, per pound	20 p.c. 5 cts.	20 p.c. 15 cts.	40 p.c. 30 cts.
(2) Automobile rugs, steamer rugs, travel rugs and similar articles of any material except wholly of cotton..... and, per pound	20 p.c. 5 cts.	20 p.c. 15 cts.	40 p.c. 30 cts.
<i>The total duty leviable shall not be in excess of.....</i>		37½ p.c.	
534b			
Press blankets or blanketing for use with printing presses and stereotypers' and typesetters' blankets or blanketing, of a class or kind not made in Canada.....	Free	5 p.c.	10 p.c.
534c			
Blankets, blanketing and lapping for use by textile manufacturers on machines used in the manufacture of textiles.....	Free	Free	Free
541b			
Woven fabrics, wholly of jute, not exceeding twelve inches in width.....	15 p.c.	22½ p.c.	30 p.c.
542a			
Woven fabrics not exceeding twelve inches in width, wholly or in part of vegetable fibres, n.o.p., not to contain silk, synthetic textile fibres or filaments, nor wool.....	20 p.c.	25 p.c.	40 p.c.
562a			
Woven fabrics, wholly or in part of man-made fibres or filaments or of glass fibres or filaments, not containing wool or hair, not including fabrics more than fifty per cent, by weight, of silk: (1) <i>Exceeding twelve inches in width</i> and, per pound	22½ p.c.	30 p.c. 20 cts.	45 p.c. 40 cts.

SCHEDULE—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
562a conc.	(2) Not exceeding twelve inches in width..... Woven fabrics containing five per cent or less, by weight, of man-made fibres or filaments or of glass fibres or filaments shall not be dutiable under this item but shall be dutiable as though composed wholly of the remaining constituents.	25 p.c.	27½ p.c.	55 p.c.
562j	Bolting cloth for sifting flour in flour mills.....	Free	Free	45 p.c.
565a	Wick, braided or not, with or without core, processed or not, for use in the manufacture of wax candles or tapers or for use in oil-burning sanctuary lamps.....	Free	Free	Free
565b	Braids of all kinds, n.o.p.....	20 p.c.	25 p.c.	40 p.c.
565c	Linen fire-hose, lined or unlined, with or without attached couplings.....	15 p.c.	30 p.c.	35 p.c.
565d	Seamless woven textile jackets, in tubular form, for use in the manufacture of fire-hose; fire-hose made from such jackets, with or without attached couplings: (1) The textile component of which is wholly cotton..... (2) The textile component of which is other than wholly cotton.....	20 p.c. 22½ p.c.	22½ p.c. 27½ p.c.	40 p.c. 45 p.c.
566a	Fabrics, containing figured designs, woven in widths not exceeding twelve inches, lace, embroideries, emblems and medallions, for use in the manufacture of church vestments.....	10 p.c.	10 p.c.	20 p.c.
566b	Lace and netting, other than woven, bobbinet, embroideries, n.o.p.: (1) Wholly of vegetable fibres..... (2) Wholly or in part of other textile fibres or filaments.....	10 p.c. 17½ p.c.	12½ p.c. 22½ p.c.	25 p.c. 35 p.c.
568	(1) Knitted garments, knitted fabrics and knitted goods, n.o.p..... (2) Knitted garments, women's and girls', wholly or in chief part by weight of wool or hair, valued at not less than \$9.00 per pound.....	20 p.c. 20 p.c.	35 p.c. 32½ p.c.	55 p.c. 55 p.c.
568a	Socks and stockings: (1) Wholly or in chief part, by weight, of wool..... and, per dozen pairs (2) N.o.p..... and, per dozen pairs	20 p.c. 30 cts. 17½ p.c.	27½ p.c. \$1.20 17½ p.c. 75 cts.	40 p.c. \$1.50 35 p.c. \$1.50
619	Rubber or gutta percha hose; rubber mats or matting and rubber packing.....	17½ p.c.	20 p.c.	35 p.c.
685	Pantagraphs and parts thereof, including diamond points, and engraving mills, for engraving copper rollers used in printing textiles and wallpapers.....	Free	Free	Free

SCHEDULE—Continued
PART II.

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
9a	Live poultry, <i>n.o.p.</i>per pound	2 cts.	2 cts.	5 cts.
9b	Quails, partridges, and squabs, <i>live or dead, n.o.p.</i> ..	10 p.c.	12½ p.c.	30 p.c.
9c	Turkey poults, baby ducklings and baby goslings....	12½ p.c.	12½ p.c.	20 p.c.
9e	Dead poultry, <i>n.o.p.</i>	12½ p.c.	12½ p.c.	20 p.c.
9f	Eviscerated poultry, whether or not divided into portions and whether or not cooked..... but not less than, per pound or more than, per pound	12½ p.c. 5 cts. 10 cts.	12½ p.c. 5 cts. 10 cts.	35 p.c.
9g	Game, <i>n.o.p.</i>	12½ p.c.	12½ p.c.	20 p.c.
9h	Horse meat, tripe and other animal offal, ground or unground, unfit for human consumption; whale meat; feeds consisting wholly or in part of cereals but not including baked biscuits; all the foregoing when for use exclusively in the feeding of fur-bearing animals or in the manufacture of feeds for such purposes.....	Free	Free	Free
105k	Pineapples, mint flavoured, prepared, in air-tight cans or other air-tight containers, the weight of the containers to be included in the weight for duty.....per pound	1 ct.	2 cts.	5 cts.
152	Fruit juices and fruit syrups, <i>n.o.p.</i> , viz.:— (e) Pineapple juice.....	7½ p.c.	7½ p.c.	25 p.c.
187c	Photographic dry plates.....	10 p.c.	17½ p.c.	30 p.c.
197a	Super-calendered or machine finish grades of book paper, not coated, when used exclusively in the production of magazines, newspapers and periodicals, printed, published and issued at regular intervals, not less frequently than four times a year, and bearing dates of issue.....	Free	Free	25 p.c.
197h	Filter paper for use in the manufacture of vacuum cleaner bags.....	10 p.c.	10 p.c.	25 p.c.
198a	Coated papers, when used exclusively in the production of magazines, newspapers and periodicals, printed, published and issued at regular intervals, not less frequently than four times a year, and bearing dates of issue.....	Free	Free	35 p.c.
199m	Woven paper fabrics, open mesh, not less than nine feet in width, for use in the manufacture of carpets.....	15 p.c.	20 p.c.	35 p.c.
202a	Twine or yarn of paper.....	10 p.c.	10 p.c.	35 p.c.
409c	(3) Lawn or garden rollers, <i>n.o.p.</i> ; parts thereof	Free	Free	Free
	(5) Lawn or garden rollers, <i>non-mechanical</i> ; parts thereof.....	15 p.c.	15 p.c.	15 p.c.
425a	(1) Power lawn mowers, <i>self-propelled or not</i> , whether or not containing the power unit.....	15 p.c.	20 p.c.	32½ p.c.
	(2) Gang-type lawn mowers designed to be drawn or pushed mechanically; parts thereof.....	10 p.c.	15 p.c.	32½ p.c.
	(3) Lawn mowers, <i>n.o.p.</i>	10 p.c.	22½ p.c.	32½ p.c.

SCHEDULE—Continued

Tariff Item	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
425b			
(1) Air-cooled internal combustion engines of greater than one and one-half horsepower rating, and parts thereof; parts of power lawn mowers; all the foregoing for use in the manufacture or repair of power lawn mowers	5 p.c.	10 p.c.	32½ p.c.
(2) Air-cooled internal combustion engines of not greater than one and one-half horsepower rating, and parts thereof, when for use in the manufacture or repair of power lawn mowers	Free	10 p.c.	30 p.c.
427e Automatic machines for making and packaging cigars and cigarettes, not to include tobacco-preparing machines; parts thereof	Free	7½ p.c.	35 p.c.
431			
(1) Shovels and spades, of iron or steel, n.o.p., and axes	10 p.c.	15 p.c.	20 p.c.
(2) Hoes, pronged forks, rakes, hand	15 p.c.	15 p.c.	20 p.c.
438h			
(1) Motor cycles having an engine capacity of 250 c.c. or less, engines or side cars thereof; parts of the foregoing	Free	17½ p.c.	30 p.c.
(2) Motor cycles having an engine capacity of more than 250 c.c., engines or side cars thereof; parts of the foregoing	Free	12½ p.c.	30 p.c.
445o			
(1) Acid-free capacitor tissue and paper, plain and gummed; Bias cells and holders; Cones, spiders, spider suspensions, voice coils and voice coil dust covers, separate or assembled; Frames, yokes, brackets, pole-pieces, gaskets and field covers, separate or assembled for use in speakers with mounting diameter not exceeding 6 3/8 inches; Glass dial crystals and scales and metal dials or scales made by the silk-screen process; High frequency circuit switches and essential components thereof; High frequency coil forms and tubing having an outside diameter not exceeding one inch; High frequency iron cores with or without inserts moulded therein; Magnetic structures and parts thereof for permanent magnet speakers; Metal cabinet escutcheons without crystals, plain or finished; Metal cans, extruded, plated or unplated; Motors and gears for automatic tuning; Parts for pickups; Radio frequency ceramics; Raw low loss mica; Sheets and punchings of low loss mica; Tube shields and parts thereof; Vibrators; Vulcanized fibre in sheets, rods, strips or tubing; For use in the manufacture or the repair of the goods enumerated in tariff items 445d, 597a, and other apparatus using radio tubes, or for use in the manufacture of parts thereof	Free	Free	30 p.c.
(2) Automatic record changers	7½ p.c.	7½ p.c.	30 p.c.

SCHEDULE—Continued

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
445o conc.	(3) Alloy resistance wire having a diameter of less than .005 inch: Automatic record-centering mechanisms with tone arm, not including motors or turntables; Etched aluminum foil; Metal cabinet escutcheons with crystals, plain or finished; Metal powders; Spring-drive motors for record turntables; Textile fabrics, coated with aluminum; When of a class or kind not made in Canada and for use in the manufacture or the repair of the goods enumerated in tariff items 445d, 597a, and other apparatus using radio tubes, or for use in the manufacture of parts therefor.	Free	Free	30 p.c.
	(4) Materials and parts, not including motors, for use by manufacturers of apparatus using radio tubes, or of parts therefor, in the manufacture, in their own factories, of the goods enumerated in tariff items 445o(1), 445o(2) and 445o(3).	Free	Free	30 p.c.
463d	Lenses, shutters, and parts thereof, for use in the manufacture of still and motion picture projectors.	Free	10 p.c.	35 p.c.
658	Motion picture film, of 16 millimetre width and over, and video tape, not including filmed or video taped television commercials, when imported by recognized processors of motion picture film or video tape having duly equipped laboratories for processing motion picture film or video tape in Canada, for the sole purpose of having reproductions made therefrom, and if the original film or video tape is re-exported within six months from the date of importation, under such regulations as the Minister may prescribe	Free	Free	3 cts.
658a	Filmed or video taped television commercials.	15 p.c.	20 p.c.	30 p.c.
658b	Video tape, n.o.p.	15 p.c.	20 p.c.	30 p.c.

PART III.

Tariff Item		British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
135a	Trout, live, imported by commercial trout farms.	Free	Free	25 p.c.
296g	Sodium calcium borate ore for use as a fire retardant. On and after July 1, 1962	Free 15 p.c.	Free 20 p.c.	25 p.c. 25 p.c.
319	Plate glass, ground and polished on both surfaces, not further processed than cut into rectangles, and float glass not further processed than cut into rectangles.	Free	5 p.c.	15 p.c.

SCHEDULE—Continued

Tariff Item	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff	
321	Sheet glass, plate glass, cast glass, rolled glass and <i>float glass</i> , n.o.p.....	Free	7½ p.c.	17½ p.c.
322	Laminated glass, of sheet glass, plate glass or <i>float glass</i> , or combinations thereof			
	(1) Not further processed than cut into rectangles.....	5 p.c.	12½ p.c.	22½ p.c.
	(2) N.o.p.....	17½ p.c.	25 p.c.	35 p.c.
409d	Mowing machines, harvesters, either self-binding or without binders, binding attachments, reapers, harvesters in combination with threshing machine separators including the motive power incorporated therein; <i>cabs</i> and parts for the foregoing.....	Free	Free	Free
413a	Machinery, of a class or kind not manufactured in Canada, and parts thereof, for use in the manufacture of nets or netting for the fisheries, but not for use in making nets or netting commonly used for sportsmen's purposes.....	Free	Free	10 p.c.
430c	Wire roofing nails of all sizes and wire nails one inch or more in length, of iron or steel, coated or not.....per one hundred pounds	85 cts.	\$1.00	\$1.50
450e	Wire nails less than one inch in length, and nails or tacks of all kinds, n.o.p., of iron or steel, coated or not.....	10 p.c.	22½ p.c.	30 p.c.
440d	Anchors for vessels:			
	(1) Weighing less than forty pounds.....	15 p.c.	15 p.c.	25 p.c.
	(2) Weighing forty pounds or over.....	Free	Free	Free
462d	Cinematograph and motion picture cameras for use by professional motion picture producers having studios in Canada equipped for motion picture production; parts of the foregoing..... On and after July 1, 1963	Free Free	Free 9 p.c.	15 p.c. 15 p.c.
462i	Optical sound equipment; Dollies, or other mobile mounting units for motion picture cameras; Booms, without wiring, for use with micro-phones; Motion picture editing equipment, namely: film editing machines, film splicers, film synchronizers, film viewers, rewinds; Parts of the foregoing; All the foregoing when for use in the production of motion pictures by professional producers having studios in Canada equipped for motion picture production..... (Expires 1st July, 1963)	Free	Free	15 p.c.
475c	Plates and electrotypes of metal and <i>positive and negative films</i> , for printing music.....	Free	Free	Free
505c	Flooring of beech, birch, maple or oak, tongued or grooved, or jointed; floor tiles made of individual strips of beech, birch, maple or oak, joined together.....	12½ p.c.	12½ p.c.	25 p.c.

SCHEDULE—*Concluded*

Tariff Item	—	British Preferential Tariff	Most-Favoured-Nation Tariff	General Tariff
571a	(2) Mats, rugs, carpeting and matting of cocoa fibre, <i>n.o.p.</i> per square yard	6½ cts.	7 cts.	10 cts.
597d	Musical instruments, namely: Autoharps, clavichords, harpsichords, harps; Bass <i>viols</i> , violas, violins, violoncellos; Strings for the foregoing; Recorders, xylophones; Bassoons, clarinets, English horns, fifes, flutes, oboes, piccolos, saxophones; Parts of the foregoing.....	Free	Free	30 p.c.
611a	(4) Conductive shoes for use in hospitals..... On and after July 1, 1962	Free 20 p.c.	Free 27½ p.c.	40 p.c. 40 p.c.

PART IV

Tariff Item	—	British Preferential Tariff	Most Favoured-Nation Tariff	General Tariff
209e	Potassium chloride..... (Applicable July 3, 1961 to December 31, 1963)	Free	Free	25 p.c.
210i	Sodium hypochlorite in solution..... (Applicable July 3, 1961 to December 31, 1963)	15 p.c.	20 p.c.	30 p.c.
263e	Compounds of tetramethyl lead, in which tetramethyl lead is the preponderant constituent by weight..... (Applicable July 3, 1961 to December 31, 1963)	12½ p.c.	12½ p.c.	25 p.c.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 46

An Act to amend the Excise Act.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., cc. 99.
319;
1952-53, c. 34;
1953-54, c. 35;
1957, c. 25;
1959, c. 13.

1. Sections 2 and 3 of Part V of the Schedule to the *Excise Act* are repealed and the following substituted therefor:

Schedule
amended.

“2. Cigarettes weighing not more than three pounds per thousand, four dollars per thousand.

3. Cigarettes weighing more than three pounds per thousand, five dollars per thousand.”

2. This Act shall come into force on the 1st day of April, 1962.

Coming into
force.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 47

An Act to amend the Excise Tax Act.

[Assented to 13th July, 1961.]

R.S., cc. 100,
320;
1952-53, c. 35;
1953-54, c. 56;
1955, c. 53;
1956, c. 37;
1957, c. 26;
1957-58, c. 14;
1958, c. 30;
1959, c. 23;
1960, c. 30.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection (1) of section 4 of the *Excise Tax Act* is repealed and the following substituted therefor:

“4. (1) Every person resident in Canada who enters into or renews a contract of insurance, other than a contract of reinsurance, against a risk ordinarily within Canada at the time the contract is entered into or renewed, with

(a) any British or foreign company, or

(b) any exchange, having its chief place of business outside Canada, or having a principal attorney-in-fact whose chief place of business is outside Canada,

that at the time the contract is entered into or renewed is not authorized under the laws of Canada or of any province to transact the business of insurance, shall, on or before the 1st day of March in each year, pay to the Minister, in addition to any other tax payable under any other law, a tax of ten per cent of the net premiums paid or payable by such person during the immediately preceding calendar year in respect of such insurance.

(1a) Subsection (1) does not apply to any contract of life insurance, personal accident insurance, sickness insurance or insurance against marine risks, or any contract of insurance against nuclear risks to the extent that such insurance against nuclear risks is not, in the opinion of the Superintendent, available within Canada.”

Tax on premiums in respect of insurance with British or foreign company.

Application.

2. Section 8 of the said Act is repealed and the following substituted therefor:

“8. Every person who exports electrical power from Canada by a line of wire or other conductor shall pay an

Export duty on electrical power.

export duty of three one-hundredths of one cent per kilowatt hour on all electrical power so exported by him during any period specified pursuant to section 9, less any such electrical power reimported by him, or any electrical power imported by him as a result of an international exchange transfer of electrical power on the same or connected circuits, during that period."

3. The heading immediately preceding section 22 of the said Act is repealed and the following substituted therefor:

"PART IV.

EXCISE TAXES ON COSMETICS, JEWELLERY, RADIOS, ETC."

4. Section 24 of the said Act is repealed.

5. The said Act is further amended by adding thereto, immediately after section 50 thereof, the following section:

Evidence of failure to make return.

"50A. (1) Where a person is required by or pursuant to any Part except Part I to make a return, an affidavit of an officer of the Department of National Revenue, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has been unable to find that the return so required was made by such person, shall be received as *prima facie* evidence that such person did not make the return.

Evidence that person was holder of licence.

(2) In any prosecution for an offence under this Act or in any other proceedings for the recovery of any penalty incurred under this Act, an affidavit of an officer of the Department of National Revenue, sworn before a commissioner or other person authorized to take affidavits, setting out that he has charge of the appropriate records and that after a careful examination and search of the records he has found that during the period stated in the affidavit a person was the holder of a licence granted under or in respect of Part IV, V or VI, shall be received as *prima facie* evidence that such person was during that period the holder of such licence.

Presumption.

(3) Where evidence is offered under this section by an affidavit from which it appears that the person making the affidavit is an officer of the Department of National Revenue, it is not necessary to prove his signature or that he is such an officer nor is it necessary to prove the signature or official character of the person before whom the affidavit was sworn."

6. Section 68 of the said Act is amended by adding thereto the following subsection:

“(2) Where a manufacturer or wholesaler holding a licence granted under or in respect of Part IV or VI has purchased goods from another such licensed manufacturer or licensed wholesaler and has incorrectly stated or certified that the goods were being purchased for a use or under conditions rendering the sale of such goods to him exempt from any tax imposed by Part IV or VI, such purchaser and the licensed manufacturer or licensed wholesaler from whom he purchased the goods are jointly and severally liable for payment of the tax and any penalty provided by subsection (4) of section 48.”

Joint and
several
liability of
licensed
purchaser
and vendor.

7. (1) Section 1 of Schedule I to the said Act is repealed.

(2) Section 3 of Schedule I to the said Act is repealed and the following substituted therefor:

“3. Devices, commonly or commercially known as lighters, that produce sparks, flame or heat whether or not in combination with other articles on the separate or combined value, as the case may be.....ten per cent, but not less than ten cents per device.”

(3) Section 5 of Schedule I to the said Act is repealed and the following substituted therefor:

“5. (a) Phonographs, record playing devices, radio broadcasting receiving sets or any combination of the foregoing; any apparatus or device that enables a person to hear programmes of music distributed by any means whatever or radio broadcasting programmes distributed by any means whatever; but this paragraph does not include any article coming within paragraph (b) of this section..... fifteen per cent; notwithstanding anything in this paragraph the excise tax in respect of radio broadcasting receiving sets, other than radio broadcasting receiving sets designed to operate independently of batteries or other sources of electrical power, shall not be less than two dollars per set.

(b) television receiving sets; any apparatus or device that enables a person to see, or to see and hear, television programmes distributed by any means whatever or television radio broadcasting programmes distributed by any means whatever..... fifteen per cent.

(c) electron tubes, not including cathode ray tubes, the duty paid value or the sale price of which, as the

case may be, does not exceed five dollars per tube
fifteen per cent, but not less than
 ten cents per tube.

(d) cathode ray tubes for television receiving sets
fifteen per cent.”

8. (1) All that portion of Schedule III to the said Act under the heading “BUILDING MATERIALS” is repealed and the following substituted therefor:

“Ash handling and fuel handling equipment for use with furnaces for the heating of buildings, when connected directly to such furnaces and installed in the same building as such furnaces;

Blowers for use in warm air systems for the heating of buildings;

Bricks, building tile, building blocks curved or shaped and building stone;

Cast iron soil pipe and cast iron fittings therefor;

Chimneys for buildings, not including fireplaces; chimney caps;

Circulating pumps for use in forced hot water heating systems for the heating of buildings;

Doors for buildings and door and window screens;

Drainage, waste and vent copper tubing from two inches to six inches in diameter, with a wall thickness from .040 to .083 of an inch, for non-pressure applications, and fittings therefor;

Ducts for warm air, ventilating and air conditioning systems for buildings, but not including materials used in their manufacture;

Electric heating equipment, designed for use on a system using 200 volts or greater, for permanent installation as part of an electric heating system for buildings, but not including electric wiring or other materials leading to or connecting such equipment to the electric power supply;

Floor tile, hard surface composition yardage flooring for permanent bonding to floors and underlay therefor;

Fuel tanks for use with furnaces for the heating of buildings and connected directly to such furnaces;

Furnaces, stokers, oil or gas burners, hot water and steam radiators not including fittings, for the heating of buildings;

Glass for buildings;

Hard surface plastic laminated building materials;

Locks, not including padlocks; latch sets, lock sets, and parts thereof; hinges, not including checking floor hinges;

Lumber; sash; shingles; lath; siding; stairways; cornice, frieze, pilasters and other units or members of wood milled for use as structural or architectural building components,

not including assembled or unassembled cabinets, counters, cupboards, furniture, ironing boards, work benches and similar installations;

Material for waterproofing and moisture-proofing buildings;

Materials to be incorporated in terrazzo flooring;

Paints, varnishes, white lead and paint oil;

Plaster; lime; cement and additives for concrete;

Plaster boards, fibreboard, wall panels, building paper, wallpaper and materials, manufactured wholly or in part of vegetable or mineral substances, for ceilings, walls, building insulation or acoustical purposes;

Precast concrete piles;

Prepared dry concrete mixes;

Prepared roofings for buildings;

Room thermostats for use with permanent heating systems for the heating of buildings;

Septic tanks and grease traps therefor;

Shower baths, bath tubs, basins, faucets, closets, lavatories, urinals, sinks and rims therefor and laundry tubs, not including repair parts therefor, nor pipes and pipe fittings;

Skylights;

Structural steel for buildings;

Tar and asphalt for roofing;

Ventilators and louvres, not motor operated;

Articles and materials to be used exclusively in the manufacture or production of the foregoing building materials, except hardware for doors and sash;"

(2) All that portion of Schedule III to the said Act under the heading "COVERINGS" is repealed and the following substituted therefor:

"Usual coverings or usual containers to be used exclusively for covering or containing goods not subject to the consumption or sales tax but not including coverings or containers designed for dispensing goods for sale or designed for repeated use other than

- (a) barrels, boxes, baskets, crates and bags for packaging fruits and vegetables,
- (b) boxes and crates for eggs,
- (c) butter and cheese boxes,
- (d) cans and insulated bags for ice cream,
- (e) corrugated paper boxes for bread,
- (f) flour bags,
- (g) milk and cream bottles, milk and cream cans, milk and cream plastic bags;

and materials to be used exclusively in the manufacture of the foregoing coverings and containers not subject to consumption or sales tax;"

(3) All that portion of Schedule III to the said Act under the heading "FARM AND FOREST" is repealed and the following substituted therefor:

"Bees; Casein; Fertilizer; Hay; Hops; Shorts; Straw;

Alfalfa meal;

Animals, living;

Baling twine or baling wire for baling farm produce, and articles and materials to be used or consumed exclusively in process of manufacture thereof;

Beet pulp, dried;

Boxes for farm wagons, and articles and materials to be used exclusively in the manufacture thereof;

Creosote oil and other wood preservatives when for use exclusively in the treatment of timber, poles or lumber;

Cut flowers;

Drain tiles for agricultural purposes;

Farm produce sold by the individual farmer of his own production;

Feeds for poultry, cattle and other stock and for fur-bearing or laboratory animals, supplements for addition to such feeds, and materials to be used exclusively in the manufacture of such feeds or supplements;

Forest products when produced and sold by the individual settler or farmer;

Friction disc sharpeners;

Furs, raw;

Grain or seed cleaning machines and complete parts therefor, including materials to be used exclusively in the manufacture of such machines and parts;

Grains and seeds in their natural state;

Harness for horses and complete parts therefor, and articles and materials to be used exclusively in the manufacture thereof; harness leather;

Hides, raw and salted;

Individual tree guards and tree protectors not exceeding thirty-six inches in height;

Logs and round unmanufactured timber;

Nursery stock;

Oil cake, oil cake meal;

Peat moss when used for agricultural purposes, including poultry litter;

Potted, flowering or bedding plants; dormant flower bulbs, corms, roots and tubers; cut foliage;

Poultry, living;

Preparations, chemicals or poisons (other than pharmaceuticals) for pest control purposes in agriculture or horticulture, and materials used in the manufacture thereof;

Rodent poisons, and materials for use exclusively in their manufacture;

Sap spouts and sap buckets, evaporators and complete parts therefor, when for use exclusively for the production of maple syrup;

Sawdust and wood shavings;

Self-propelled, self-unloading forage wagons for off-highway use for farm purposes and materials used in the manufacture thereof;

Settlers' effects;

Steel pens and complete parts thereof for farm animals, and articles and materials for use exclusively in the manufacture thereof;

Vegetable plants;

Vermiculite and perlite;

Wool not further prepared than washed;

Woollen rolls or wool yarn milled for a producer of wool from wool supplied by him for his own use;"

(4) All that portion of Schedule III to the said Act under the heading "MISCELLANEOUS" is repealed and the following substituted therefor:

"Additives for fuel oil for heating and materials used in the manufacture thereof;

Articles and materials purchased or imported by a government of a country designated by the Governor in Council under *Customs Tariff* item 708, or purchased or imported by a Canadian government agency on behalf of such a government, for the construction, maintenance or operation of military or defence establishments in Canada and not intended for resale, gift or other disposition except as may be authorized by the Minister of National Revenue;

British and Canadian coins and foreign gold coin;

Drain tile not exceeding four inches in inside diameter and twelve inches in length;

Electricity;

Fuel for lighting or heating, but not including fuel when for use in internal combustion engines; crude oil to be used in the production of fuel;

Identification tags or labels for designating the grades or quality of meat, poultry, fish, eggs, fruit and vegetables, and materials to be used exclusively in the manufacture thereof;

Natural gas and gas manufactured from coal, calcium carbide or oil for illuminating or heating purposes;

Perforated pipe for drainage purposes not exceeding four inches in inside diameter;

Railway ties;

Seismic shot-hole casing and materials used in the manufacture thereof;

Seventy-five per cent of the sale price if manufactured in Canada, or seventy-five per cent of the duty paid value if imported, of trailers for use as homes;

Tanks for collecting milk and materials to be used exclusively in the manufacture thereof, but not including chassis or cabs;

Tires and tubes for use exclusively on the machinery enumerated in *Customs Tariff* item 411a;”

(5) All that portion of Schedule III to the said Act under the heading “MUNICIPALITIES” is repealed and the following substituted therefor:

“Certain goods sold to or imported by municipalities for their own use and not for resale, as follows:

Culverts;

Diesel fuel oil for use in generating electricity;

Equipment, at a price in excess of five hundred dollars per unit, specially designed for use directly for road making, road cleaning or fire fighting, but not including automobiles or ordinary motor trucks;

Fire hose including couplings and nozzles therefor;

Fire truck chassis for the permanent attachment thereon of fire fighting equipment to be used directly in fire fighting;

Goods for use as part of sewage and drainage systems, and for purposes of this exemption of such goods, any agency operating a sewage or drainage system for or on behalf of a municipality may be declared a municipality for such purposes by the Minister;

Laminated timber for bridges;

Precast concrete shapes for bridges in public highway systems;

Structural steel and aluminum for bridges;

Articles and materials to be used exclusively in the manufacture of the foregoing;”

9. (1) Section 1 of this Act is applicable in respect of any contract of insurance entered into or renewed after the 15th day of July, 1961, and section 2 of this Act is applicable in respect of any electrical power exported after the 31st day of August, 1961.

(2) Sections 4, 7 and 8 of this Act shall be deemed to have come into force on the 21st day of June, 1961, and to have applied to all goods mentioned therein imported or taken out of warehouse for consumption on or after that day and to have applied to goods previously imported for which no entry for consumption was made before that day.

9 - 10 ELIZABETH II.

CHAP. 48

An Act to amend the Financial Administration Act.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., c. 116;
1955, c. 3;
1958, c. 31.

1. Section 17 of the *Financial Administration Act* is amended by adding thereto the following subsection:

“(5) In this section “securities” means securities of or guaranteed by Canada and includes any other securities described in paragraph (p) of section 2.” “Securities”
Defined.

2. Subsections (1) and (1a) of section 23 of the said Act are repealed and the following substituted therefor:

“**23.** (1) The Governor in Council, on the recommendation of the Treasury Board, may, if he considers it in the public interest, delete from the accounts, in whole or in part, any obligation or debt due to Her Majesty or any claim by Her Majesty that does not exceed one thousand dollars. Uncollect-
able debts.

(1a) The Treasury Board may make regulations authorizing the deletion from the accounts of any obligation or debt due to Her Majesty or any claim by Her Majesty that does not exceed one hundred dollars.” 1958, c. 31,
s. 1.
Regulations.

3. Section 32 of the said Act is repealed and the following substituted therefor:

“**32.** No payment shall be made for the performance of work, the supply of goods or the rendering of services, whether under contract or not, in connection with any part of the public service, unless, in addition to any other voucher or certificate that is required, the deputy of the appropriate Minister or other officer authorized by such Minister certifies Payment for
work, goods
or services.

- (a) that the work has been performed, the goods supplied or the service rendered, as the case may be, and that the price charged is according to contract, or if not specified by contract, is reasonable, or
- (b) where a payment is to be made before the completion of the work, delivery of the goods or rendering of the service, as the case may be, that the payment is in accordance with the contract."

4. Section 35 of the said Act is repealed and the following substituted therefor:

Lapsing of appropriations.

"35. The balance of an appropriation granted for a fiscal year that remains unexpended at the end of the fiscal year shall lapse, except that during the thirty days immediately following the end of the fiscal year a payment may be made under the appropriation for the purpose of discharging a debt payable for work performed, goods received or services rendered prior to the end of the fiscal year, and such payment may be charged in the accounts for the fiscal year."

5. (1) The said Act is further amended by adding thereto, immediately after Part VIII thereof, the following heading and Part:

"PART VIIIA.

ASSIGNMENT OF CROWN DEBTS.

Definitions.

88A. In this Part,

"Appropriate paying officer."

(a) "appropriate paying officer" in relation to a Crown debt means the paying officer who makes the payments in respect thereof;

"Contract "

(b) "contract" means a contract involving the payment of money by the Crown;

"Crown."

(c) "Crown" means Her Majesty in right of Canada;

"Crown debt."

(d) "Crown debt" means any existing or future debt due or becoming due by the Crown, and any other chose in action in respect of which there is a right of recovery enforceable by action against the Crown;

"Paying officer."

(e) "paying officer" means any person designated as such by regulation; and

"Prescribed."

(f) "prescribed" means prescribed by regulation.

General prohibition.

88B. Except as provided in this Act or any other Act of the Parliament of Canada,

(a) a Crown debt is not assignable, and

- (b) no transaction purporting to be an assignment of a Crown debt is effective so as to confer on any person any rights or remedies in respect of such debt.

88c. (1) Any absolute assignment, in writing, under the hand of the assignor, not purporting to be by way of charge only, of a Crown debt of any following description, namely:

Assignments
of specified
Crown debts.

- (a) a Crown debt that is an amount due or becoming due under a contract; or
(b) any other Crown debt of a class prescribed by regulation,

of which notice has been given to the Crown as provided in section 88d, is effectual in law, subject to all equities that would have been entitled to priority over the right of the assignee if this section had not been enacted, to pass and transfer from the date service of such notice is effected

- (c) the legal right to the Crown debt,
(d) all legal and other remedies for the Crown debt, and
(e) the power to give a good discharge for the Crown debt without the concurrence of the assignor.

(2) An assignment made in accordance with this Part is subject to all conditions and restrictions in respect of the right of transfer that relate to the original Crown debt or that attach to or are contained in the original contract.

Assignment
subject to
conditions

(3) Notwithstanding subsection (1), any amount due or becoming due by the Crown as or on account of salary, wages, pay or pay and allowances is not assignable and no transaction purporting to be an assignment of any such amount is effective so as to confer on any person any rights or remedies in respect of that amount.

Salary,
wages, pay
and allow-
ances not
assignable.

88d. (1) Notice of any assignment referred to in subsection (1) of section 88c shall be given to the Crown by serving on or sending by registered post to the Comptroller or a paying officer notice thereof in prescribed form, together with a copy of the assignment accompanied by such other documents completed in such manner as may be prescribed.

Notice of
assignment.

(2) Service of the notice referred to in subsection (1) shall be deemed not to have been effected until acknowledgment of the notice, in prescribed form, is sent to the assignee, by registered post, under the hand of the appropriate paying officer.

When notice
deemed
served.

88e. This Part does not apply

- (a) to any negotiable instrument, or
(b) to any Crown debt incurred by or in the name of a corporation set out in Schedule C or D.

Limitation
of application
of this Part.

Regulations

88F. The Governor in Council may make regulations

- (a) designating persons as paying officers for the purposes of this Part;
- (b) prescribing additional classes of Crown debts for the purpose of subsection (1) of section 88C;
- (c) prescribing the forms of notices of assignment and acknowledgments thereof;
- (d) prescribing the documents to be submitted in connection with a notice of assignment, the forms of such documents and the manner in which they are to be completed; and
- (e) generally, for carrying into effect the purposes and provisions of this Part."

(2) This section does not apply to any assignment of a Crown debt made before the coming into force of this section.

(3) This section shall come into force on a day to be fixed by proclamation of the Governor in Council.

6. Section 95 of the said Act is amended by adding thereto, immediately after subsection (1) thereof, the following subsection:

Recovery

"(1a) Notwithstanding subsection (1), the Comptroller may recover any overpayment made out of the Consolidated Revenue Fund on account of salary, wages, pay or pay and allowances out of any sum of money that may be due or payable by Her Majesty in right of Canada to the person to whom such overpayment was made."

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 49

An Act to amend the Income Tax Act.

[Assented to 13th July, 1961.]

R.S., c. 148;
1952-53, c. 40;
1953-54, c. 57;
1955, cc. 54,
55;
1956, c. 39;
1957, c. 29;
1957-58, c. 17;
1958, c. 32;
1959, c. 45;
1960, c. 43;
1961, c. 17.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. (1) Paragraph (a) of subsection (1) of section 5 of the *Income Tax Act* is repealed and the following substituted therefor:

“(a) the value of board, lodging and other benefits of any kind whatsoever (except the benefit he derives from his employer’s contributions to or under a registered pension fund or plan, group life, sickness or accident insurance plan, medical services plan, supplementary unemployment benefit plan or deferred profit sharing plan) received or enjoyed by him in the year in respect of, in the course of, or by virtue of the office or employment; and”

(2) Subparagraph (i) of paragraph (b) of subsection (1) of section 5 of the said Act is repealed and the following substituted therefor:

“(i) travelling or personal or living expense allowances

(A) expressly fixed in an Act of the Parliament of Canada, or

(B) paid under the authority of the Treasury Board to a person who was appointed or whose services were engaged pursuant to the *Inquiries Act*, in respect of the discharge of his duties relating to such appointment or engagement,”

(3) Paragraph (b) of subsection (1) of section 5 of the said Act is further amended by striking out the word “or” at the end of subparagraph (vi) thereof, by adding the

word "or" at the end of subparagraph (vii) thereof and by adding thereto, immediately after subparagraph (vii) thereof, the following subparagraph:

"(viii) such part of the aggregate of allowances received by a volunteer fireman from a government, municipality or other public authority for expenses incurred by him in respect of, in the course of, or by virtue of the discharge of his duties as a volunteer fireman, as does not exceed \$300;"

(4) All that portion of paragraph (b) of subsection (1) of section 5 of the said Act that follows subparagraph (vii) thereof is repealed and the following substituted therefor: "minus the deductions permitted by paragraphs (i), (ib), (j) and (ja) of subsection (1) of section 11 and by subsections (5) to (11), inclusive, of section 11 but without any other deductions whatsoever."

(5) Subsections (1), (2) and (4) are applicable to the 1961 and subsequent taxation years, and subsection (3) is applicable to the 1958 and subsequent taxation years.

2. (1) Subsection (1) of section 6 of the said Act is amended by striking out the word "and" at the end of paragraph (m) thereof, by adding the word "and" at the end of paragraph (n) thereof and by adding thereto the following paragraph:

"(o) amounts received by the taxpayer in the year under a deferred profit sharing plan as provided by section 79c."

(2) This section is applicable to the 1961 and subsequent taxation years.

3. (1) Subsection (1) of section 11 of the said Act is amended by adding thereto, immediately after paragraph (cc) thereof, the following paragraphs:

"(cd) an amount payable by the taxpayer in the year as a fee to a bank to which the *Bank Act* or the *Quebec Savings Banks Act* applies for the certification of a non-interest-bearing post-dated bill drawn by the taxpayer on the bank and payable not more than ninety days from the date of the certification;

(ce) where a bill described in paragraph (cd) that was drawn by the taxpayer was sold by the taxpayer in the year, the amount, if any, by which the principal amount of the bill exceeds the consideration paid by the purchaser to the taxpayer for the bill so sold;"

Deferred
profit
sharing
plan.

Certification
fee paid
to bank.

Sale of
bill.

(2) Paragraph (*da*) of subsection (1) of section 11 of the said Act is repealed and the following substituted therefor:

“(da) where the taxpayer is an individual, such part of any loan repaid by the taxpayer in the year as was, by the operation of subsection (2) of section (8), required to be included in computing the income of the taxpayer for a previous year, if it is established by subsequent events or otherwise, that the repayment was not made as a part of a series of loans and repayments; Repayment of loan by shareholder.

(db) where the taxpayer is a corporation, such part of any loan repaid by the taxpayer in the year as was, by the operation of subsection (2) of section 8, required to be included in computing the income of the taxpayer for a previous year, to the extent that the amount of the loan deemed to have been received by the taxpayer as a dividend was not deductible under section 28 from the income of the taxpayer for the year in which the dividend was deemed to have been so received, if it is established by subsequent events or otherwise that the repayment was not made as a part of a series of loans and repayments;” Idem.

(3) Subsection (1) of section 11 of the said Act is further amended by adding thereto, immediately after paragraph (*ia*) thereof, the following paragraph:

“(ib) an amount paid by the taxpayer in the year as or on account of legal expenses incurred by him in collecting salary or wages owed to him by an employer;” Legal expenses of employee.

(4) Subsection (1) of section 11 of the said Act is further amended by adding thereto, immediately after paragraph (*t*) thereof, the following paragraph:

“(ta) an amount paid by the taxpayer to a trustee under a deferred profit sharing plan as permitted by subsection (7) of section 79c;” Employer's contribution under deferred profit sharing plan.

(5) All that portion of paragraph (*u*) of subsection (1) of section 11 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

“(u) such part of any amount included in computing the income of the taxpayer for the year by virtue of subparagraph (iv) of paragraph (*a*) of subsection (1) of section 6 or subsection (9) of section 79c as does not exceed the amount by which” Transfer of pension fund contributions

(6) All that portion of paragraph (*v*) of subsection (1) of section 11 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

Estate tax and succession duties applicable to certain property.

“(v) that proportion of any superannuation or pension benefit, death benefit, benefit under a registered retirement savings plan (other than a refund of premiums as defined in section 79B) or benefit under a deferred profit sharing plan received by the taxpayer in the year, upon or after the death of a predecessor, in payment of or on account of property to which the taxpayer is the successor the value of which was required to be included in computing the aggregate net value of the property passing on the death of the predecessor for the purpose of Part I of the *Estate Tax Act* (or would have been so required to be included if the predecessor had been domiciled in Canada at the time of his death), that”

(7) Section 11 of the said Act is further amended by adding thereto, immediately after subsection (3d) thereof, the following subsection:

Sale of mortgage included in proceeds of disposition.

“(3e) Where depreciable property of a taxpayer has, in a taxation year, been disposed of to a person with whom the taxpayer was dealing at arm’s length, and the proceeds of disposition include a mortgage or hypothec on land that the taxpayer has, in a subsequent taxation year, sold to a person with whom he was dealing at arm’s length, there may be deducted in computing the income of the taxpayer for the subsequent year, an amount equal to the lesser of

- (a) the amount, if any, by which the principal amount of the mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the taxpayer for the mortgage or hypothec, or
- (b) the amount determined under paragraph (a) less the amount, if any, by which the proceeds of disposition of the depreciable property exceed the capital cost to the taxpayer of that property.”

(8) This section is applicable to the 1961 and subsequent taxation years.

4. (1) Subsection (1) of section 12 of the said Act is amended by striking out the word “or” at the end of paragraph (f) thereof and by adding thereto the following paragraphs:

Limitation re employer’s contribution under deferred profit sharing plan.

“(i) an amount paid by an employer to a trustee under a deferred profit sharing plan except as expressly permitted by section 79c, or

Limitation re employer’s contribution under profit sharing plan.

- (j) an amount paid by an employer to a trustee under a profit sharing plan that is not
 - (i) an employees profit sharing plan,
 - (ii) a deferred profit sharing plan, or

(iii) a registered pension fund or plan.”

(2) This section is applicable to the 1961 and subsequent taxation years.

5. (1) Section 16 of the said Act is repealed and the following substituted therefor:

“**16.** (1) A payment or transfer of property made pursuant to the direction of, or with the concurrence of, a taxpayer to some other person for the benefit of the taxpayer or as a benefit that the taxpayer desired to have conferred on the other person shall be included in computing the taxpayer’s income to the extent that it would be if the payment or transfer had been made to him.”

Indirect
payments.

(2) For the purposes of this Part, a payment or transfer in a taxation year of property made to the taxpayer or some other person for the benefit of the taxpayer and other persons jointly or a profit made by the taxpayer and other persons jointly in a taxation year shall be deemed to have been received by the taxpayer in the year to the extent of his interest therein notwithstanding that there was no distribution or division thereof in that year.”

Undis-
tributed
payments or
profits.

(2) This section is applicable to the 1961 and subsequent taxation years.

6. (1) Subsection (6) of section 20 of the said Act is amended by striking out the word “and” at the end of paragraph (g) thereof, by adding the word “and” at the end of paragraph (h) thereof and by adding thereto the following paragraph:

“(i) where depreciable property of a taxpayer has, in a taxation year, been disposed of to a person with whom the taxpayer was dealing at arm’s length, and the proceeds of disposition include a mortgage or hypothec on land that the taxpayer has, in the year, sold to a person with whom he was dealing at arm’s length, in consideration for an amount less than the principal amount of the mortgage or hypothec, there shall be deducted in computing the proceeds of disposition the amount, if any, by which the principal amount of the mortgage or hypothec outstanding at the time of the sale exceeds the consideration paid by the purchaser to the taxpayer for the mortgage or hypothec.”

(2) This section is applicable to the 1961 and subsequent taxation years.

7. (1) The said Act is further amended by adding thereto, immediately after section 24 thereof, the following section:

Bond
conversion

“**24A.** Where a bond of a debtor is acquired by a taxpayer in exchange for another bond of the same debtor and

(a) the terms on which the bond for which it was exchanged was issued conferred upon the holder thereof the right to make the exchange, and

(b) the amount payable to the holder of the bond on its maturity is the same as the amount that would have been payable to the holder of the bond for which it was exchanged on the maturity of that bond,

the purchase price of the bond so acquired and the sale price of the bond for which it was exchanged shall be deemed to be,

(c) in the event that the bond that was exchanged was property described in an inventory of a business carried on by the taxpayer, the amount at which it had been valued at the end of the last complete fiscal period of the business preceding the exchange, or

(d) in any other event, the purchase price of the bond that was exchanged.”

(2) This section is applicable to the 1961 and subsequent taxation years and, if the taxpayer so elects, to the 1960 taxation year.

8. Subsection (1) of section 5 of chapter 39 of the Statutes of 1956 is applicable in respect of amounts paid under any enactment of the Parliament of Canada passed in the year 1961.

9. (1) Subparagraph (vii) of paragraph (c) of subsection (1) of section 27 of the said Act is repealed and the following substituted therefor:

“(vii) for or in respect of an artificial limb, iron lung, rocking bed for poliomyelitis victims, wheelchair, crutches, spinal brace, brace for a limb, ilioostomy or colostomy pad, truss for hernia, artificial eye, laryngeal speaking aid or aid to hearing for the taxpayer, his spouse or any such dependant,”

(2) Paragraph (c) of subsection (1) of section 27 of the said Act is further amended by repealing all that portion thereof following subparagraph (viid) and substituting therefor the following:

“if payment of the expenses is proven by filing receipts with the Minister;”

(3) Section 27 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

“(3a) Paragraph (a) of subsection (1) does not apply to permit a taxpayer to deduct, for the purpose of computing his taxable income for a taxation year, any amount in respect of gifts made by the taxpayer in the year, until the amount deductible under that paragraph in respect of gifts made by the taxpayer in the immediately preceding year has been deducted.”

Application
of section
27 (1)(a).

(4) This section is applicable to the 1961 and subsequent taxation years.

10. Subsection (2) of section 31 of the said Act is repealed.

11. (1) The said Act is further amended by adding thereto, immediately after section 31 thereof, the following section:

“**31A.** Where, in a taxation year, a payment is made by a person resident in Canada to an individual who is not resident in Canada and who during the 5 years immediately preceding the year in which the payment is made

Income from
duties per-
formed in
Canada.

(a) was resident in Canada, or

(b) was employed in Canada

for a period or periods the aggregate of which was at least 36 months, if the payment is

(c) a payment

(i) out of or pursuant to a superannuation or pension fund or plan,

(ii) upon retirement of an employee in recognition of long service and not made out of or under a superannuation fund or plan,

(iii) pursuant to an employees profit sharing plan in full satisfaction of all rights of the payee in or under the plan, to the extent that the amount thereof would otherwise be included in computing the payee's income for the year in which the payment was received if the payee had been resident in Canada throughout the taxation year in which the payment was received, or

(iv) pursuant to a deferred profit sharing plan upon the death, withdrawal or retirement from employment of an employee or former employee, to the extent that the amount thereof would otherwise be included in computing the payee's income for the year in which the payment was received if the payee had been resident in Canada throughout the taxation year in which the payment was received, or

(d) a payment made by an employer to an employee or former employee upon or after retirement in respect of loss of office or employment,

the payment shall be deemed to be income of the payee, for the year in which it was received, from duties that shall be deemed to have been performed by him in Canada in that year, unless it can be established, by subsequent events or otherwise, that the payment was made as part of a series of annual or other periodic payments payable throughout the lifetime of the payee."

(2) This section is applicable in the case of any payment made after June 20, 1961.

12. (1) Paragraph (a) of subsection (5) of section 32 of the said Act is repealed and the following substituted therefor:

"(a) salary or wages, superannuation or pension benefits, retiring allowances, death benefits, royalties in respect of a work or invention of which the taxpayer was the author or inventor, amounts included in computing the income of the taxpayer by virtue of paragraph (d), (da) or (db) of subsection (1) of section 6, amounts allocated to the taxpayer by a trustee under an employees profit sharing plan, amounts received by the taxpayer from a trustee under a supplementary unemployment benefit plan, amounts included in computing the income of the taxpayer by virtue of section 79B and amounts included in computing the income of the taxpayer by virtue of subsections (9) and (14) of section 79c,"

(2) This section is applicable to the 1961 and subsequent taxation years.

13. (1) The said Act is further amended by adding thereto the following section:

"**33.** (1) There may be deducted from the tax otherwise payable under this Part by an individual for a taxation year (hereinafter in this subsection referred to as the "basic tax") such of the following amounts as is applicable:

- (a) in the case of an individual who resided in a province on the last day of the taxation year and had no income earned in the taxation year outside a province, an amount (hereinafter in this subsection referred to as the "basic deduction") equal to
- (i) 16% of the basic tax, in respect of the 1962 taxation year,
 - (ii) 17% of the basic tax, in respect of the 1963 taxation year,
 - (iii) 18% of the basic tax, in respect of the 1964 taxation year,
 - (iv) 19% of the basic tax, in respect of the 1965 taxation year, and

Deduction
from tax
when
resident,
etc. in
province.

- (v) 20% of the basic tax, in respect of the 1966 taxation year; and
- (b) in the case of an individual
- (i) who resided in a province on the last day of the taxation year but had income earned in the taxation year outside a province, or
- (ii) who did not reside in a province on the last day of the taxation year but had income earned in the taxation year in a province,
- an amount that bears the same relation to the basic deduction that
- (iii) his income earned in the taxation year in a province,
- bears to
- (iv) his income for the taxation year.

(2) A reference in paragraph (a) or (b) of subsection (1) to the "last day of the taxation year" shall, in the case of an individual who resided in Canada at any time in the taxation year but ceased to reside in Canada before the last day thereof, be deemed to be a reference to the last day in the taxation year on which he resided in Canada.

Reference to last day of taxation year.

(3) In this section,

Definitions.

- (a) "income earned in the taxation year in a province" and "income earned in the taxation year outside a province" mean amounts determined under rules prescribed for the purpose by regulations made on the recommendation of the Minister of Finance;
- (b) "province" does not include the Northwest Territories or the Yukon Territory; and
- (c) "tax otherwise payable under this Part" means the amount that, but for this section, would be the tax payable by a taxpayer under this Part for the taxation year in respect of which the expression is being applied, minus any amount included in computing that amount by virtue of subsection (3) of section 10 of the *Old Age Security Act*, plus any amount deducted in computing that amount by virtue of section 41."

"Income earned in taxation year in province."

"Province."

"Tax otherwise payable under this Part."

(2) This section is applicable to the 1962 to 1966 taxation years, each inclusive.

14. Section 34 of the said Act is repealed.

Repeal.

15. (1) Paragraph (a) of subsection (1) of section 35 of the said Act is repealed and the following substituted therefor:

"(a) the aggregate of the taxes otherwise payable by the taxpayer under this Part for the taxation year and

the 2 years immediately preceding the taxation year (before making any deduction under section 33, 38 or 41),”

(2) Paragraph (a) of subsection (2) of section 35 of the said Act is repealed and the following substituted therefor:

“(a) the aggregate of the taxes that would have been payable by the taxpayer under this Part for the taxation year and the 2 immediately preceding taxation years (before making any deduction under section 33, 38 or 41) if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada,”

16. (1) Paragraph (a) of subsection (1) of section 36 of the said Act is amended by striking out the word “or” at the end of subparagraph (ii) thereof, by adding the word “or” at the end of subparagraph (iii) thereof and by adding thereto the following subparagraph:

“(iv) pursuant to a deferred profit sharing plan upon the death, withdrawal or retirement from employment of an employee or former employee, to the extent that the amount thereof would otherwise be included in computing the payee’s income for the year in which the payment was received,”

Deferred
profit
sharing
plan.

(2) Paragraph (i) of subsection (1) of section 36 of the said Act is repealed and the following substituted therefor:

“(i) the aggregate of the taxes otherwise payable by the employee under this Part for the 3 years immediately preceding the taxation year (before making any deduction under section 33, 38 or 41),”

(3) Paragraph (a) of subsection (2) of section 36 of the said Act is repealed and the following substituted therefor:

“(a) the aggregate of the taxes that would have been payable by the employee under this Part for the 3 years referred to in paragraph (ii) of subsection (1) (before making any deduction under section 33, 38 or 41) if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada,”

(4) All that portion of subsection (3) of section 36 preceding paragraph (a) thereof is repealed and the following substituted therefor:

“(3) In determining the amount of any payment or payments made in a taxation year out of or under a superannuation or pension fund or plan or under a deferred profit sharing plan that shall be deemed, for the purposes

Amounts to
be sub-
tracted from
payments
out of pension
fund or
deferred
profit
sharing plan.

of this section, not to be income of the taxpayer by whom it is or they are received, there shall be subtracted from the amount of the payment or payments so made”

(5) Subsections (1) and (4) are applicable to the 1961 and subsequent taxation years.

17. (1) Paragraph (ii) of subsection (1) of section 37 of the said Act is repealed and the following substituted therefor:

“(ii) the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount by which the aggregate of the incomes from the business or partnership for the fiscal periods exceeds his income from the business or partnership for the year as determined under paragraph (i), equal to the proportion thereof that the tax computed under section 32 for the year on the assumption that his income from the business or partnership for the year is the amount determined under paragraph (i), is of his taxable income for the year computed on the same assumption,”

(2) Paragraph (b) of subsection (3) of section 37 of the said Act is repealed and the following substituted therefor:

“(b) the taxpayer shall pay in addition to any other tax payable for the year a tax on the amount by which the aggregate of the incomes from such one or more businesses, partnerships or employments for the taxation year exceeds his income therefrom determined under paragraph (a), equal to the proportion thereof that the tax computed under section 32 for the year on the assumption that his income from such one or more businesses, partnerships or employments for the year is the amount determined under paragraph (a), is of his taxable income for the year computed on the same assumption;”

(3) This section is applicable to the 1962 and subsequent taxation years.

18. (1) Section 39 of the said Act is further amended by adding thereto, immediately after subsection (6) thereof, the following subsection:

“(6a) Where one corporation would, but for this sub- Idem
section, be associated with another corporation in a tax-
ation year by reason of both of the corporations being
controlled by the same trustee or executor and it is estab-
lished to the satisfaction of the Minister

- (a) that the trustee or executor did not acquire control of the corporations as a result of one or more trusts or estates created by the same individual or two or more individuals not dealing with each other at arm's length, and
- (b) that the trust or estate under which the trustee or executor acquired control of each of the corporations arose only upon the death of the individual creating the trust or estate

the two corporations shall be deemed, for the purposes of this section, not to be associated with each other in the year."

(2) This section is applicable to the 1961 and subsequent taxation years.

19. (1) Subsection (1) of section 40 of the said Act is repealed and the following substituted therefor:

Deduction
from
corporation
tax.

"**40.** (1) There may be deducted from the tax otherwise payable by a corporation under this Part for a taxation year an amount equal to the lesser of

- (a) 9% of the corporation's taxable income earned in the year in a province, or
- (b) the amount of the tax otherwise payable by the corporation under this Part for the year, minus any amount included in computing that amount by virtue of subsection (5) of section 10 of the *Old Age Security Act*, plus any amount deducted in computing that amount by virtue of section 41."

(2) This section is applicable to the 1962 to 1966 taxation years, each inclusive, but where a corporation has a taxation year part of which is before and part of which is after the commencement of 1962, the tax payable by the corporation under Part I of the said Act for that taxation year is the aggregate of

- (a) that proportion of the tax computed under Part I as that Part would have applied if the taxation year had coincided with 1961 that the number of days in that portion of the taxation year that is in 1961 is of the number of days in the whole taxation year, and
- (b) that proportion of the tax computed under Part I as amended by this section that the number of days in that portion of the taxation year that is in 1962 is of the number of days in the whole taxation year.

20. (1) Subsection (1) of section 43 of the said Act is repealed and the following substituted therefor:

Election.

"**43.** (1) Where an amount is included in computing a taxpayer's income for a taxation year by virtue of section

20, the taxpayer may elect to pay, as tax for the year under this Part, in lieu of the amount that would otherwise be payable, an amount equal to the aggregate of

- (a) the tax that would be payable by the taxpayer for the year under this Part (before making any deduction under section 33, 38, 40 or 41) if no amount were included in computing the taxpayer's income for the year by virtue of section 20, and
- (b) the aggregate of the amounts by which the taxpayer's taxes under this Part (before making any deduction under section 33, 38, 40 or 41) would have been increased if the portion of the amount so included by virtue of section 20 determined under subsection (2) had been included in computing the taxpayer's income for each of the taxation years in the period determined under subsection (2),

minus any amount deductible for the year under section 33, 38, 40 or 41."

(2) This section is applicable to the 1962 and subsequent taxation years.

21. (1) Subsection (1) of section 47 of the said Act is amended by striking out the word "or" at the end of paragraph (e) thereof, by adding the word "or" at the end of paragraph (f) thereof and by adding thereto the following paragraph:

"(g) a payment under a deferred profit sharing plan or a plan referred to in section 79c as a revoked plan,"

(2) Subsection (4) of section 47 of the said Act is repealed and the following substituted therefor:

"(4) Where an amount has been received by a broker or dealer in securities in the period of twelve months immediately preceding a taxation year as or in respect of dividends on shares the beneficial ownership of which is unknown to him at the end of the taxation year, the broker or dealer shall remit an amount equal to 25% thereof to the Receiver General of Canada at such time as may be prescribed on account of the beneficial owner's tax under this Part or Part III for the taxation year in which the dividend was received by the broker or dealer."

Dividends
received
by brokers.

(3) Subsection (1) is applicable to the 1961 and subsequent taxation years.

22. (1) Subparagraph (iii) of paragraph (f) of subsection (1) of section 62 of the said Act is amended by striking out the word "or" at the end of clause (B) thereof and the word "and" at the end of clause (C) thereof, by

adding the word "or" at the end of clause (C) thereof and by adding thereto immediately after clause (C) thereof the following clause:

"(D) a gift to Her Majesty in right of Canada or a province or to a Canadian municipality, and"

(2) Subsection (1) of section 62 of the said Act is further amended by adding thereto immediately after paragraph (gb) thereof the following paragraph:

Non-profit corporation for scientific research.

"(gc) a corporation that was constituted exclusively for the purpose of carrying on or promoting scientific research, no part of whose income was payable to, or was otherwise available for the personal benefit of, any proprietor, member or shareholder thereof, that has not acquired control of any other corporation and that, during the period,

(i) did not carry on any business, and

(ii) expended amounts in Canada each of which is

(A) an expenditure on scientific research directly undertaken by or on behalf of the corporation, or

(B) a payment to an association, university, college or research institution, described in subparagraph (ii) or (iii) of paragraph (a) of subsection (1) of section 72, to be used for scientific research, and

the aggregate of which is not less than 90% of the corporation's income for the period;"

(3) Subsection (1) of section 62 of the said Act is further amended by striking out the word "or" at the end of paragraph (rb) thereof and by adding thereto, immediately after paragraph (rb) thereof, the following paragraph:

Trust under deferred profit sharing plan.

"(rc) a trust under a deferred profit sharing plan to the extent provided by section 79c; or"

(4) Section 62 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Idem.

"(3a) For the purpose of paragraph (gc) of subsection (1)

(a) a corporation is controlled by another corporation if more than 50% of its issued share capital (having full voting rights under all circumstances) belongs to

(i) the other corporation, or

(ii) the other corporation and persons with whom the other corporation does not deal at arm's length,

but a corporation shall be deemed not to have acquired control of a corporation if it has not purchased (or otherwise acquired for a consideration) any of the shares in the capital stock of that corporation; and

- (b) there shall be included in computing a corporation's income all gifts received by the corporation and all amounts contributed to the corporation to be used for scientific research."

(5) All that portion of subsection (4) of section 62 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

"(4) In computing the income of a corporation or a trust for the purpose of determining whether it is described by paragraph (f), (g) or (gc) of subsection (1) for a taxation year," Rules.

(6) Subsection (5) of section 62 of the said Act is repealed and the following substituted therefor:

"(5) For the purpose of determining whether a corporation or trust has complied with the requirements of subparagraph (iii) of paragraph (f) or (g) or subparagraph (ii) of paragraph (gc) of subsection (1) for its first taxation year after its incorporation or creation, the whole or any part of amounts expended by it in the immediately subsequent taxation year shall, if it so elects, be deemed to have been expended by it in the first taxation year and not in the subsequent taxation year." Election by
new
charitable
trust or
corporation.

(7) Subsections (2), (4), (5) and (6) are applicable to the 1960 and subsequent taxation years and subsections (1) and (3) are applicable to the 1961 and subsequent taxation years.

23. (1) Paragraph (a) of subsection (1) of section 72 of the said Act is amended by striking out the word "and" at the end of subparagraph (iii) thereof and by adding thereto the following subparagraph:

"(iv) by payments to a corporation resident in Canada and exempt from tax under this Part by paragraph (gc) of subsection (1) of section 62, and"

(2) Subparagraph (i) of paragraph (b) of subsection (1) of section 72 of the said Act is repealed and the following substituted therefor:

"(i) the expenditures of a capital nature made in Canada (by acquiring property other than land) in the year and any previous year ending after

1958 on scientific research relating to the business and directly undertaken by or on behalf of the taxpayer, or”

(3) Subsection (2) of section 72 of the said Act is repealed and the following substituted therefor:

Limitation.

“(2) Not more than 5% of the taxable income of the taxpayer for the year preceding the taxation year may be deducted under paragraph (b) of subsection (1) unless the research program in respect of which the expenditures were made has been approved.”

(4) Subsection (1) is applicable to the 1960 and subsequent taxation years and subsections (2) and (3) are applicable to the 1961 and subsequent taxation years.

24. (1) Section 79 of the said Act is amended by adding thereto, immediately after subsection (7) thereof, the following subsection:

Taxation
year of
trust.

“(8) Where an employees profit sharing plan is accepted for registration by the Minister as a deferred profit sharing plan, the taxation year of the trust governed by the employees profit sharing plan shall be deemed to have ended immediately before the plan is deemed to have become registered as a deferred profit sharing plan pursuant to subsection (4) of section 79c.”

(2) This section is applicable to the 1961 and subsequent taxation years.

25. (1) Paragraph (b) of subsection (3) of section 79B of the said Act is amended by striking out the word “or” at the end of subparagraph (i) thereof, by adding the word “or” at the end of subparagraph (ii) thereof and by adding thereto the following subparagraph:

“(iii) to any person by way of an annuity, to be increased or reduced depending upon the increase or reduction in the value of a specified group of assets constituting the assets of a separate and distinct account or fund maintained in respect of a variable annuities business by a person licensed or otherwise authorized under the laws of Canada or a province to carry on in Canada such business;”

(2) This section is applicable to the 1961 and subsequent taxation years.

26. (1) The said Act is further amended by adding thereto, immediately after section 79B thereof, the following heading and section:

“Deferred Profit Sharing Plan.

79c. (1) In this Act,

- (a) “deferred profit sharing plan” means a profit sharing plan accepted by the Minister for registration for the purposes of this Act, upon application therefor in prescribed manner by a trustee under the plan and an employer of employees who are beneficiaries under the plan, as complying with the requirements of this section; and “Deferred profit sharing plan” defined.
- (b) “profit sharing plan” means an arrangement under which payments computed by reference to his profits from his business or by reference to his profits from his business and the profits, if any, from the business of a corporation with whom he does not deal at arm’s length are made by an employer to a trustee in trust for the benefit of employees of that employer or employees of any other employer, whether or not payments are also made to the trustee by the employees. “Profit sharing plan” defined.

(2) The Minister shall not accept for registration for the purposes of this Act any profit sharing plan unless, in his opinion, it complies with the following conditions: Acceptance of plan for registration.

- (a) the plan provides that each payment made by an employer to a trustee in trust for the benefit of employees of that employer or employees of any other employer who are beneficiaries thereunder, is an amount that is the aggregate of amounts each of which is identifiable as a specified amount in respect of an individual employee;
- (b) the plan does not provide for the payment of any amount to an employee or other beneficiary thereunder by way of loan;
- (c) the plan provides that no part of the funds of the trust governed by the plan may be invested in notes, bonds, debentures or similar obligations of
- (i) an employer by whom payments are made in trust to a trustee under the plan for the benefit of beneficiaries thereunder, or
- (ii) a corporation with whom that employer does not deal at arm’s length;
- (d) the plan provides that no part of the funds of the trust governed by the plan may be invested in shares of a corporation at least 50% of the property of which consists of notes, bonds, debentures or similar obligations of an employer or a corporation described in paragraph (c);

- (e) the plan includes a provision stipulating that no right or interest under the plan of an employee who is a beneficiary thereunder is capable, either in whole or in part, of surrender or assignment;
- (f) the plan includes a provision stipulating that each of the trustees under the plan shall be resident in Canada; and
- (g) the plan, in all other respects, complies with regulations of the Governor in Council made on the recommendation of the Minister of Finance.

Acceptance of employees profit sharing plan for registration.

(3) The Minister shall not accept for registration for the purposes of this Act any employees profit sharing plan unless all the capital gains made by the trust governed by the plan before the date of application for registration of the plan and all the capital losses sustained by the trust before that date have been allocated by the trustee under the plan to employees and other beneficiaries thereunder.

Registration date.

(4) Where a profit sharing plan is accepted by the Minister for registration as a deferred profit sharing plan, the plan shall be deemed to have become registered as a deferred profit sharing plan

- (a) on the date the application for registration of the plan was made, or
- (b) where in the application for registration a later date is specified as the date upon which the plan is to commence as a deferred profit sharing plan, on that date.

Deferred plan not employees profit sharing plan.

(5) For a period during which a plan is a deferred profit sharing plan, the plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan.

No tax while trust governed by plan.

(6) No tax is payable under this Part by a trust on the taxable income of the trust for a period during which

- (a) the trust was governed by a deferred profit sharing plan, and
- (b) not less than 90% of the income of the trust for the period was from sources in Canada, and for the purpose of this paragraph contributions to or under the plan shall not be included in computing the income of the trust.

Amount of employer's contribution deductible.

(7) There may be deducted in computing the income of an employer for a taxation year the aggregate of each amount paid by the employer in the year or within 120 days after the end of the year, to a trustee under a deferred profit sharing plan for the benefit of employees of the employer who are beneficiaries under the plan, not exceed-

ing, however, in respect of each individual employee in respect of whom the amounts so paid by the employer were paid by him, an amount equal to the lesser of

- (a) the aggregate of each amount so paid by the employer in respect of that employee, or
- (b) \$1,500 minus the amount, if any, deductible under paragraph (g) of subsection (1) of section 11 in respect of that employee in computing the income of the employer for the taxation year,

to the extent that such amount was not deductible in computing the income of the employer for a previous taxation year.

(8) Where each of two or more taxpayers not dealing at arm's length would, but for this subsection, be entitled to a deduction under subsection (7) in computing his income for a taxation year in respect of amounts paid by him to a trustee under one or more deferred profit sharing plans in respect of the same person, not more than one of the taxpayers is entitled, in computing his income for that year, to a deduction under that subsection in respect of that person, and in the event of failure on the part of the taxpayers otherwise entitled to a deduction under that subsection to agree as to the taxpayer by whom the deduction may be made, no deduction thereunder may be made by either or any of them in computing his income for that year. Limitation on deduction.

(9) There shall be included in computing the income of a beneficiary under a deferred profit sharing plan for a taxation year each amount received by him in the year from a trustee under the plan, minus any amounts deductible under subsections (10) and (11) in computing the income of the beneficiary for the year. Amounts received taxable.

(10) For the purpose of subsection (9), where an amount was received in a taxation year from a trustee under a deferred profit sharing plan by an employee or other beneficiary thereunder, and the employee was a beneficiary under the plan at a time when the plan was an employees profit sharing plan, the amount deductible under this subsection in computing the income of the beneficiary for the taxation year is such portion of the aggregate of the amounts so received in the year as does not exceed Portion of receipts deductible.

- (a) the aggregate of
 - (i) each amount included in computing the income of the employee for a previous taxation year by virtue of section 79,
 - (ii) each amount paid by the employee to a trustee under the plan at a time when it was an employees profit sharing plan, and

- (iii) each amount that was allocated to the employee or other beneficiary by a trustee under the plan, at a time when it was an employees profit sharing plan, in respect of a capital gain made by the trust,

minus

- (b) the aggregate of
 - (i) each amount received by the employee or other beneficiary in a previous taxation year from a trustee under the plan at a time when it was an employees profit sharing plan,
 - (ii) each amount received by the employee or other beneficiary in a previous taxation year from a trustee under the plan at a time when it was a deferred profit sharing plan, and
 - (iii) each amount allocated to the employee or other beneficiary by a trustee under the plan, at a time when it was an employees profit sharing plan, in respect of a capital loss sustained by the trust.

Idem.

(11) For the purpose of subsection (9), where an amount was received in a taxation year from a trustee under a deferred profit sharing plan by an employee or other beneficiary thereunder, and the employee has made a payment in the year or a previous year to a trustee under the plan at a time when the plan was a deferred profit sharing plan, the amount deductible under this subsection in computing the income of the beneficiary for the taxation year is such portion of the aggregate of the amounts so received in the year (minus any deduction allowed for the year by subsection (10)) as does not exceed

- (a) the aggregate of each amount so paid by the employee in the year or a previous year,

minus

- (b) the aggregate of each amount received by the employee or other beneficiary from a trustee under the plan, at a time when it was a deferred profit sharing plan, that was deductible under this subsection in computing his income for a previous taxation year.

Appropriation of trust property by employer.

(12) Where funds or property of a trust governed by a deferred profit sharing plan have been appropriated in any manner whatsoever to or for the benefit of a taxpayer who is

- (a) an employer by whom payments are made in trust to a trustee under the plan, or
- (b) a corporation with whom that employer does not deal at arm's length,

otherwise than in payment of or on account of shares of the capital stock of the taxpayer purchased by the trust, the amount or value of the funds or property so appropriated shall be included in computing the income of the taxpayer for the taxation year of the taxpayer in which the funds or property were so appropriated, unless such funds or property or an amount in lieu thereof equal to the amount or value of such funds or property was repaid to the trust within one year from the end of the taxation year, and it is established by subsequent events or otherwise that the repayment was not made as part of a series of appropriations and repayments.

(13) Where, at any time after a profit sharing plan has been accepted by the Minister for registration for the purposes of this Act,

Revocation
of
registration.

(a) the plan has been revised or amended or a new plan has been substituted therefor, and the plan as revised or amended or the new plan substituted therefor, as the case may be, ceased to comply with the requirements of this section for its acceptance by the Minister for registration for the purposes of this Act, or

(b) any provision of the plan has not been complied with, the Minister may revoke the registration of the plan as of any date following the date that the plan ceased so to comply or that any provision of the plan was not so complied with and he shall thereupon give notification of his action by registered mail to a trustee under the plan and to an employer of employees who are beneficiaries under the plan.

(14) Where the Minister revokes the registration of a deferred profit sharing plan, the plan (hereinafter referred to as the "revoked plan") shall be deemed, for the purposes of this Act, not to be a deferred profit sharing plan, and notwithstanding any other provision of this Act, the following rules shall apply:

Rules
applicable
to revoked
plan.

- (a) the revoked plan shall not be accepted for registration for the purposes of this Act or be deemed to have become registered as a deferred profit sharing plan at any time within a period of one year commencing on the date the plan became a revoked plan;
- (b) subsection (6) does not apply to exempt the trust governed by the plan from tax under this Part upon the taxable income of the trust for a taxation year in which, at any time therein, the trust was governed by the revoked plan;
- (c) no deduction shall be made by an employer in computing his income for a taxation year in respect of

an amount paid by him to a trustee under the plan at a time when it was a revoked plan;

- (d) there shall be included in computing the income of a taxpayer for a taxation year
- (i) all amounts received by him in the year from a trustee under the revoked plan that, by virtue of subsection (9), would have been so included if the revoked plan had been a deferred profit sharing plan at the time he received those amounts, and
 - (ii) the amount or value of any funds or property appropriated to or for the benefit of the taxpayer in the year that, by virtue of subsection (12), would have been so included if the revoked plan had been a deferred profit sharing plan at the time of the appropriation of the funds or property; and
- (e) the revoked plan shall be deemed, for the purposes of this Act, not to be an employees profit sharing plan.

Payments
out of
profits.

(15) Where the terms of an arrangement under which an employer makes payments to a trustee specifically provide that the payments shall be made "out of profits", such arrangement shall be deemed, for the purpose of subsection (1), to be an arrangement for payments "computed by reference to his profits from his business".

"Other
beneficiary"
defined.

(16) Where the expression "employee or other beneficiary" under a profit sharing plan occurs in this section, the words "other beneficiary" shall be construed as meaning any person, other than the employee, to whom any amount is or may become payable by a trustee under the plan as a result of payments made to the trustee under the plan in trust for the benefit of employees, including the employee."

(2) This section is applicable to the 1961 and subsequent taxation years.

27. Subsection (12) of section 82 of the said Act is repealed and the following substituted therefor:

Tax-paid
undistributed
income
deemed
received.

"(12) Where a corporation is deemed by section 81 to have received a dividend on or after June 30, 1950, its undistributed income on hand immediately thereafter, as determined under paragraph (a) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 81; and, in any such case, the receiving corporation's tax-paid undistributed income immediately after the dividend is deemed to have been re-

ceived, as determined under paragraph (b) of subsection (1), shall be deemed to be the amount otherwise determined thereunder plus the amount of the dividend that was not included in computing the corporation's income for the year by virtue of subsection (4) of section 81."

28. (1) Subsection (4) of section 83A of the said Act is repealed and the following substituted therefor:

"(4) There may be deducted in computing the income of a taxpayer for a taxation year under this Part from the businesses of all associations, partnerships or syndicates formed for the purpose of exploring or drilling for petroleum or natural gas and of which he was a member or partner, the lesser of

Deduction from income from businesses of associations, etc.

- (a) the aggregate of his share of such of the drilling and exploration expenses, including all general geological and geophysical expenses, incurred by all such associations, partnerships or syndicates while he was a member or partner thereof, on or in respect of exploring or drilling for petroleum or natural gas in Canada as were incurred after the calendar year 1948 and before the end of the taxation year, to the extent that they were not deductible in computing his income for a previous taxation year, or
- (b) of that aggregate, an amount equal to his income from the businesses of all such associations, partnerships or syndicates for the taxation year computed before making any deduction under this subsection."

(2) Section 83A of the said Act is amended by adding thereto, immediately after subsection (6) thereof, the following subsection:

"(6a) In applying the provisions of subsection (8a) to determine the amount that may be deducted by a successor corporation in computing its income under this Part for a taxation year, where the predecessor corporation has paid an amount (other than a rental or royalty) to the government of Canada or of a province for

Idem.

- (a) the right to explore for petroleum or natural gas on a specified parcel of land in Canada (which right is, for greater certainty, declared to include a right of the type commonly referred to as a "licence", "permit" or "reservation"), or
- (b) a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada,

if, before the predecessor corporation was entitled, by virtue of subsection (6), to any deduction in computing its income for a taxation year in respect of the amount so paid, the

property of the predecessor corporation was acquired by the successor corporation in the manner set out in subsection (8a), and the successor corporation did, before any well came into production in reasonable commercial quantities, on the land referred to in paragraph (a) or (b), surrender all the rights so acquired by the predecessor corporation (including in respect of a right of the kind described in paragraph (a), all rights thereunder to any lease and all rights under any lease made thereunder) without receiving any consideration therefor or payment of any part of the amount so paid by the predecessor corporation, the amount so paid by the predecessor corporation shall be added to the amount determined under paragraph (e) of subsection (8a).”

(3) Subsection (8a) of section 83A of the said Act is amended by striking out the word “or” at the end of paragraph (c) thereof, by adding the word “or” at the end of paragraph (d) thereof and by adding thereto, immediately after paragraph (d) thereof, the following paragraph:

“(da) as a result of the distribution of such property to the successor corporation upon the winding-up of the predecessor corporation where the predecessor corporation was at all times a subsidiary wholly-owned corporation subsidiary to the successor corporation,”

(4) All that portion of subsection (8b) of section 83A of the said Act preceding paragraph (c) thereof is repealed and the following substituted therefor:

“(8b) A reference in subsection (3), (6), (8) or (8a) to a corporation whose principal business is mining or exploring for minerals shall, for the purposes of this section and subsection (5a) of section 82, be deemed to include a reference to a corporation whose principal business is

(a) processing mineral ores for the purpose of recovering metals therefrom,

(b) a combination of

(i) processing mineral ores for the purpose of recovering metals therefrom, and

(ii) processing metals recovered from the ores so processed, or

(ba) fabricating metals,

but in making applicable the provisions of this section and subsection (5a) of section 82 to any such corporation there shall be substituted”

(5) This section is applicable to the 1961 and subsequent taxation years.

Processing
or
fabricating
corporation.

29. (1) Subparagraph (i) of paragraph (b) of subsection (2) of section 85A of the said Act is repealed and the following substituted therefor:

“(i) the proportion of the benefit so deemed to have been received that the aggregate of the taxes that would have been payable by the employee under this Part for the 3 years immediately preceding the taxation year (before making any deduction under section 33, 38 or 41), if no benefit were deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by him in those years, is of the aggregate of the employee’s incomes for those years minus the benefit deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by him in those years,”

(2) Subparagraph (i) of paragraph (b) of subsection (3) of section 85A of the said Act is repealed and the following substituted therefor:

“(i) the proportion of the benefit so deemed to have been received that the aggregate of the taxes that would have been payable by the employee under this Part for the 3 years referred to in subsection (2) (before making any deduction under section 33, 38 or 41), if he had been resident in Canada throughout those years and his incomes for those years had been from sources in Canada, and if no benefit were deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by him in those years, is of the aggregate of the employee’s incomes for those years minus the benefit deemed by paragraph (a), (b), (c) or (d) of subsection (1) to have been received by him in those years,”

30. (1) Paragraph (d) of subsection (1) of section 85B of the said Act is repealed and the following substituted therefor:

“(d) where an amount has been included in computing the taxpayer’s income from the business for the year or for a previous year in respect of property sold in the course of the business and that amount or a part thereof is not receivable,

- (i) where the property sold is property other than land, until a day that is
 - (A) more than 2 years after the day on which the property was sold, and
 - (B) after the end of the taxation year, or

(ii) where the property sold is land, until a day that is after the end of the taxation year, there may be deducted a reasonable amount as a reserve in respect of that part of the amount so included in computing the income that can reasonably be regarded as a portion of the profit from the sale; and”

(2) Subsection (5) of section 85B of the said Act is repealed and the following substituted therefor:

Policy
reserve.

“(5) Paragraph (c) of subsection (1) does not apply to allow a deduction as a reserve in respect of insurance, but an insurance corporation, other than a life insurance corporation, shall, in computing its income from its insurance business for a taxation year, deduct as policy reserves such amounts as have been prescribed for the purposes of this subsection.”

(3) This section is applicable to the 1961 and subsequent taxation years.

(4) For the purpose of computing income from a business for the 1961 taxation year, any amount that is or should be outstanding on the taxpayer's books at the end of the 1960 taxation year (if subsection (1) of section 85B of the *Income Tax Act* as amended by this section had been applicable to that and all previous years) and that is, in effect, a reserve or other allowance in respect of one of the matters referred to in the said subsection (1) shall, to the extent that it, in fact, has not been included, or has been deducted, in computing the taxpayer's income from the business for the 1960 or a previous taxation year, be deemed, for the purposes of paragraph (e) of the said subsection (1), to be an amount deducted under paragraph (c) or (d) of the said subsection (1) in computing the income from the business for the 1960 taxation year.

31. (1) Subsection (4) of section 85E of the said Act is repealed and the following substituted therefor:

Election.

“(4) Where any amount is included in computing the income of a taxpayer for a taxation year by virtue of this section, the taxpayer may elect to pay, as tax for the year under this Part, in lieu of the amount that would otherwise be payable, an amount equal to the aggregate of

(a) the tax that would be payable by him for the year under this Part (before making any deduction under section 33, 38, 40 or 41) if no amount were included in computing his income for the year by virtue of this section, and

- (b) the aggregate of the amounts by which his taxes under this Part (before making any deduction under section 33, 38, 40 or 41) would have been increased if $\frac{1}{3}$ of the amount so included by virtue of this section had been included in computing his income for each of the 3 taxation years ending with the last taxation year in which he carried on the business or the part of the business referred to in subsection (1),

minus any amount deductible for the year under section 33, 38, 40 or 41; and in any such case, the election is not valid unless the taxpayer was, during each of those 3 years, carrying on that business."

(2) This section is applicable to the 1962 and subsequent taxation years.

32. (1) Subparagraph (ii) of paragraph (d) of subsection (2) of section 85i of the said Act is amended by striking out the word "and" at the end of clause (B) thereof, by adding the word "and" at the end of clause (C) thereof and by adding thereto the following clause:

"(D) where depreciable property that is deemed by subsection (5) of section 72 to be of a separate prescribed class is acquired by the new corporation from a predecessor corporation, the property shall continue to be deemed to be of that same separate prescribed class;"

(2) Subsection (2) of section 85i of the said Act is further amended by adding thereto, immediately after paragraph (j) thereof, the following paragraph:

"(ja) for the purpose of section 72 any expenditure of a capital nature on scientific research made by a predecessor corporation in its last taxation year or a previous taxation year that would have been deductible by the predecessor corporation by virtue of paragraph (b) of subsection (1) of section 72 in computing its income for its last taxation year shall, to the extent such expenditure has not been deducted by the predecessor corporation, be deemed to have been an expenditure of a capital nature on scientific research made in Canada by the new corporation in its first taxation year;"

Scientific
research.

(3) Subsection (3) of section 85i of the said Act is amended by striking out the word "or" at the end of paragraph (c) thereof, by adding the word "or" at the end of paragraph (d)

thereof and by adding thereto, immediately after paragraph (d) thereof, the following paragraph:

“(da) fabricating metals,”

(4) Section 85I of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

Idem.

“(3a) In applying the provisions of subsection (3) to determine the amount that may be deducted by the new corporation in computing its income under this Part for a taxation year, where a predecessor corporation has paid an amount (other than a rental or royalty) to the government of Canada or of a province for

- (a) the right to explore for petroleum or natural gas on a specified parcel of land in Canada (which right is, for greater certainty, declared to include a right of the type commonly referred to as a “licence”, “permit” or “reservation”), or
- (b) a legal lease of the right to take or remove petroleum or natural gas from a specified parcel of land in Canada,

if, before the predecessor corporation was entitled, by virtue of subsection (6) of section 83A, to any deduction in computing its income for a taxation year in respect of the amount so paid, the property of the predecessor corporation was acquired by the new corporation and the new corporation did, before any well came into production in reasonable commercial quantities, on the land referred to in paragraph (a) or (b), surrender all the rights so acquired by the predecessor corporation (including in respect of a right of the kind described in paragraph (a), all rights thereunder to any lease and all rights under any lease made thereunder) without receiving any consideration therefor or payment of any part of the amount so paid by the predecessor corporation, the amount so paid by the predecessor corporation shall be added to the amount determined under paragraph (e) of subsection (3).”

(5) This section is applicable to the 1961 and subsequent taxation years.

33. (1) Subparagraph (ii) of paragraph (c) of subsection (2) of section 105 of the said Act is repealed and the following substituted therefor:

“(ii) the dividends that were, by section 81, deemed to have been received by shareholders of the corporation in the taxation years referred to in subparagraph (i),”

(2) Subparagraph (ii) of paragraph (c) of subsection (2a) of section 105 of the said Act is repealed and the following substituted therefor:

“(ii) the dividends that were, by section 81, deemed to have been received by shareholders of the corporation in the taxation years referred to in subparagraph (i),”

34. (1) Subparagraph (iii) of paragraph (b) of subsection (1) of section 106 of the said Act is amended by striking out the word “or” at the end of clause (D) thereof, by adding the word “or” at the end of clause (E) thereof and by adding thereto, immediately after clause (E) thereof, the following clause:

“(F) any obligation entered into by the payer after December 20, 1960, upon assuming an obligation referred to in clause (A) in consideration for the purchase by the payer of the property of the vendor that constituted the security for that obligation, if the payer upon entering into the obligation undertook to pay the same amount of money on or before the same date and at the same rate of interest as the vendor of the property had undertaken in respect of the obligation under which he was the obligee,”

(2) This section is applicable in respect of interest paid or credited after December 20, 1960.

35. (1) Section 108 of the said Act is amended by adding thereto, immediately after subsection (2a) thereof, the following subsection:

“(2b) Subsection (2) does not apply in respect of any redemption by a corporation of shares of capital stock that were paid by the corporation as a stock dividend, to the extent that, by virtue of subsections (3) and (6) of section 81, the shareholders of the corporation were deemed to have received a dividend.” Idem.

(2) Subsection (5) of section 108 of the said Act is repealed and the following substituted therefor:

“(5) Where section 8 or section 16 would, if Part I were applicable, require an amount to be included in computing a shareholder's income or deem a dividend to have been received by a shareholder, for the purpose of this Part, that amount or the amount of that dividend shall be deemed to have been paid to the shareholder as a dividend.” Deemed to be dividend.

36. Section 112 of the said Act is amended by adding thereto the following subsection:

Election.

“(5) Notwithstanding subsection (4), a gift described in paragraph (ba) of subsection (4) that would, but for this subsection, be exempt from tax under this Part by virtue of that paragraph, shall, if the gift does not exceed \$4,000 in value, be deemed not to be exempt from tax under this Part by virtue of that paragraph, unless the donor thereof elects that the gift be exempt from the tax by virtue of that paragraph.”

37. Subsection (10) of section 123 of the said Act is repealed and the following substituted therefor:

Assessment.

“(10) The Minister may assess any person for any amount payable by that person under Part III, this section or section 129 and, upon his sending a notice of assessment to that person, Division F of Part I is applicable *mutatis mutandis*.”

38. (1) Subsection (1) of section 139 of the said Act is amended by adding thereto, immediately after paragraph (d) thereof, the following paragraph:

“Benefit under a deferred profit sharing plan.”

“(da) “benefit under a deferred profit sharing plan” received by a taxpayer in a taxation year means the aggregate of each amount received by the taxpayer in the year from a trustee under the plan minus any amounts deductible under subsections (10) and (11) of section 79c in computing the income of the taxpayer for the year;”

(2) Paragraph (o) of subsection (1) of section 139 of the said Act is repealed and the following substituted therefor:

“Exempt income.”

“(o) “exempt income” means property received or acquired by a person in such circumstances that it is, by reason of any provision in Part I, not included in computing his income and includes amounts that are deductible under section 28 or that would be so deductible if it were not for subsection (2) of section 28;”

(3) All that portion of subsection (3) of section 139 of the said Act preceding paragraph (a) thereof is repealed and the following substituted therefor:

Extended meaning of resident.

“(3) For the purposes of this Act, a person shall, subject to subsection (3a), be deemed to have been resident in Canada throughout a taxation year if”

(4) Subsection (3) of section 139 of the said Act is further amended by striking out the word "or" at the end of paragraph (b) thereof and by adding thereto, immediately after paragraph (c) thereof, the following paragraphs:

"(d) he was resident in Canada in any previous year and was, at any time in the year, the spouse of a person described by paragraph (b) or (c) living with that person, or

(e) he was, at any time in the year, a child described in paragraph (c) of subsection (1) of section 26 of a person described by paragraph (b) or (c)."

(5) Section 139 of the said Act is further amended by adding thereto, immediately after subsection (3) thereof, the following subsection:

"(3a) Where, at any time in a taxation year, a person described by paragraph (b) or (c) of subsection (3) ceases to be a person so described, he shall be deemed to have been resident in Canada during the part of the year preceding that time and his spouse and child who by virtue of paragraph (d) or (e) of subsection (3) would, but for this subsection, be deemed to have been resident in Canada throughout the year, shall be deemed to have been resident in Canada during that part of the year." Idem.

(6) Section 139 of the said Act is further amended by adding thereto, immediately after subsection (4) thereof, the following subsection:

"(4a) For the purposes of this Act, a corporation incorporated in Canada shall be deemed to have been resident in Canada throughout a taxation year if it carried on business in Canada at any time in the year." Corporation deemed resident.

(7) Subsection (5d) of section 139 of the said Act is amended by striking out the word "and" at the end of paragraph (a) thereof, by repealing paragraph (b) thereof and by substituting therefor the following paragraphs:

"(b) a person who had a right under a contract, in equity or otherwise, either immediately or in the future and either absolutely or contingently, to, or to acquire, shares in a corporation, or to control the voting rights of shares in a corporation, shall, except where the contract provided that the right is not exercisable until the death of an individual designated therein, be deemed to have had the same position in relation to the control of the corporation as if he owned the shares; and

(c) where a person owns shares in two or more corporations, he shall as shareholder of one of the corporations be deemed to be related to himself as shareholder of each of the other corporations.”

(8) Subsections (1) to (5) and subsection (7) are applicable to the 1961 and subsequent taxation years, and subsection (6) is applicable to the 1962 and subsequent taxation years.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 50

An Act to amend the Industrial Development Bank Act.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

R.S., cc. 151,
326; 1956,
c. 25.

1. Paragraph (d) of section 2 of the *Industrial Development Bank Act* is repealed and the following substituted therefor:

1956, c. 25,
s. 1.

“(d) “industrial enterprise” means an enterprise in which is carried on any industry, trade or other business undertaking of any kind;”

“Industrial enterprise.”

2. Subsection (1) of section 3 of the said Act is repealed and the following substituted therefor:

1956, c. 25,
s. 2.

“3. (1) There shall continue to be a bank called the Industrial Development Bank consisting of, as members, those persons for the time being comprising the Board of Directors of the Bank of Canada and the person for the time being holding the office of Deputy Minister of Trade and Commerce, who shall constitute a corporation which for all purposes of this Act is an agent of Her Majesty in right of Canada.”

Bank continued.

3. Subsection (3) of section 5 of the said Act is repealed and the following substituted therefor:

1956, c. 25,
s. 3.

“(3) The Directors, other than the Governor and Deputy Governor of the Bank of Canada, the Deputy Minister of Finance and the Deputy Minister of Trade and Commerce, are entitled to receive for attendance at meetings of the Board and meetings of the Executive Committee such fees as may be fixed by the by-laws of the Bank, but the

Directors' fees.

aggregate amount of the fees paid to all Directors exclusive of expenses shall not exceed twenty thousand dollars in any fiscal year."

4. Subsection (1) of section 7 of the said Act is repealed and the following substituted therefor:

Executive
Committee
of the
Board.

"7. (1) There shall be an Executive Committee of the Board consisting of the Directors who are members of the Executive Committee of the Bank of Canada, the person for the time being holding the office of Deputy Minister of Trade and Commerce and one other Director selected by the Board."

5. The said Act is further amended by adding thereto, immediately after section 7 thereof, the following section:

Alternate
member.

"7A. All powers, duties and functions under this Act of the person for the time being holding the office of Deputy Minister of Trade and Commerce may, in the event that he is absent or unable to act or the office is vacant, be exercised by such other officer of the Department of Trade and Commerce as the Minister of Trade and Commerce may nominate."

6. Section 12 of the said Act is repealed and the following substituted therefor:

Capitaliza-
tion.

"12. (1) The authorized capital of the Bank is fifty million dollars divided into five hundred thousand shares of the par value of one hundred dollars each.

Bank of
Canada sub-
scription
for shares.

(2) The Bank of Canada shall subscribe for the said five hundred thousand shares at par and shall pay the amount of such subscription at such times and in such amounts as the Board may determine."

7. Section 14 of the said Act is repealed and the following substituted therefor:

Aggregate
liabilities.

"14. The aggregate of the total direct liabilities of the Bank, including bonds and debentures issued by the Bank, and of the total contingent liabilities of the Bank in the form of guarantees given or underwriting agreements entered into by it shall not, at any time, exceed five times the aggregate amount of the paid-up capital and the Reserve Fund, for which provision is made hereinafter."

1956, c. 25,
s. 5(1).

8. (1) Paragraph (e) of subsection (1) of section 15 of the said Act is repealed and the following substituted therefor:

"(e) purchase or otherwise acquire

(i) with a view to the resale thereof, the whole or any part of any issue of stock, bonds or deben-

tures of the corporation from the corporation or a shareholder thereof or from any person with whom the Bank has entered into an underwriting agreement in respect of the said issue, or

- (ii) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for the corporation, if the said obligations or certificates are fully secured by an assignment of the equipment to, or by the ownership of the equipment by, the trustee, or by a lease or conditional sale thereof by the trustee to the corporation,

and may subsequently sell or otherwise dispose of the said stock, bonds, debentures, obligations or certificates.”

(2) Subsection (2) of section 15 of the said Act is repealed and the following substituted therefor: 1956, c. 25, s. 5(1).

“(1a) Where, pursuant to subsection (1), the Bank may lend or guarantee loans of money to any person, the Bank may, subject to a right of redemption by that person, acquire by purchase or otherwise and hold any tangible movable property used or to be used in an industrial enterprise, and may subsequently sell or otherwise dispose of any such property. Purchase of property subject to right of redemption.

(2) Notwithstanding subsections (1) and (1a), the aggregate of the amounts of the loans or liabilities of the Bank and of the expenditures by the Bank for securities and other property held by it, specified in subsection (3), shall not at any time exceed two hundred million dollars.” Limitation on commitments.

(3) Paragraphs (d) and (e) of subsection (3) of section 15 of the said Act are repealed and the following substituted therefor: 1956, c. 25, s. 5(2).

“(d) the amount of every expenditure by the Bank for stock, bonds, debentures, obligations or certificates held by it that were issued by, or to finance the purchase of transportation equipment for, any one corporation if the amount of the expenditure for the purchase of the said stock, bonds, debentures, obligations or certificates so held exceeds two hundred thousand dollars,

(da) the amount of every expenditure by the Bank for the acquisition, subject to a right of redemption by any one person, of tangible movable property used or to be used in an industrial enterprise (computed for the purposes of this paragraph and paragraph (e) as the amount remaining after subtracting any amount repaid to the Bank in respect of the said

- property) if the amount of the expenditure for the acquisition of the said property exceeds two hundred thousand dollars, and
- (e) the total amount of loans owing by any person to the Bank, of loans to the said person guaranteed by the Bank to the extent that they are so guaranteed, and of expenditures by the Bank for the acquisition subject to a right of redemption by the said person of tangible movable property used or to be used in an industrial enterprise and, where the said person is a corporation, of liabilities of the Bank under any underwriting agreements with respect to the issue of stock, bonds or debentures by the corporation and of expenditures by the Bank for stock, bonds, debentures, obligations or certificates held by it that were issued by, or to finance the purchase of transportation equipment for, the corporation, if the said total amount exceeds two hundred thousand dollars, but there shall be deducted from the said total amount before including it in the said aggregate the amount of any loan, liability or expenditure included in the said aggregate under any of paragraphs (a) to (da)."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 51

An Act to amend the Loan Companies Act.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 170;
1952-53, c. 5;
1958, c. 35.

1. Subparagraph (ii) of paragraph (f) of section 2 of the *Loan Companies Act* is repealed and the following substituted therefor:

“(ii) lending money on the security of freehold real estate, or investing money in mortgages or hypothecs upon freehold real estate, either with or without other objects or powers.”

2. (1) Paragraph (f) of subsection (1) of section 60 of the said Act is repealed and the following substituted therefor:

“(f) mortgages or hypothecs on real estate or leaseholds in Canada or in any country in which the company is carrying on business, but the amount paid for the mortgage or hypothec, together with the amount of indebtedness under any mortgage or hypothec on the real estate or leasehold ranking equally with or superior to the mortgage or hypothec in which the investment is made, shall not exceed two-thirds of the value of the real estate or leasehold; or”

Mortgages on
real estate.

(2) All that part of paragraph (g) of subsection (1) of section 60 of the said Act preceding subparagraph (i) thereof is repealed and the following substituted therefor:

“(g) real estate in Canada for the production of income, either alone or jointly with any loan company, trust company or insurance company incorporated in Canada, if”

Real estate
for the
production
of income.

(3) Subparagraph (iii) of paragraph (g) of subsection (1) of section 60 of the said Act is repealed and the following substituted therefor:

“(iii) the total investment of the company in any one parcel of real estate does not exceed one per cent of the book value of the company’s total funds;”

(4) Paragraph (c) of subsection (2) of section 60 of the said Act is repealed and the following substituted therefor:

Real estate
and
leaseholds.

“(c) real estate or leaseholds in Canada or in any country in which the company is carrying on business, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate or leasehold ranking equally with or superior to the loan, shall not exceed two-thirds of the value of the real estate or leasehold, subject to the exception that the company may accept as part payment for real estate sold by it a mortgage or hypothec for more than two-thirds of the sale price of the real estate.”

(5) The said section 60 is further amended by adding thereto immediately after subsection (4) thereof the following subsection:

Other
investments
and loans.
Limitation.

“(4a) The company may make investments and loans not hereinbefore authorized by this section but

(a) the total book value of the investments and loans made under the authority of this subsection and held by the company, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed fifteen per cent of the company’s unimpaired paid-up capital and reserve; and

Idem.

(b) this subsection does not

(i) enlarge the authority conferred by subsections (1) and (2) to invest in mortgages or hypothecs, to invest in real estate or to lend on the security of real estate or leaseholds,

(ii) affect the operation of paragraph (e) of subsection (1) with reference to the maximum proportion of common stocks and total stocks of any company or bank that may be purchased, or

(iii) affect the operation of subsection (3).”

3. Section 61 of the said Act is repealed and the following substituted therefor:

Investment in
shares of
trust
company.

“61. Notwithstanding anything contained in section 60, a loan company that, prior to the 28th day of June, 1922,

held shares of a trust company to the extent of at least fifty per cent of the total number of shares of such trust company outstanding at the said date may continue to hold such shares and may purchase or otherwise acquire any additional shares of such trust company or any or all of the shares of a company formed by the amalgamation of such trust company with one or more other trust companies.”

4. Section 86 of the said Act is amended by adding thereto the following subsection: Number of directors.

“(7) Where a company acquires the whole of the business, rights and property of another loan company under the authority of this section, the company may, notwithstanding section 12, by by-law duly passed by the directors increase the number of directors to any number not exceeding the aggregate of the number of directors of both companies at the time of the acquisition, subject to the condition that as vacancies occur between annual meetings of the company by reason of disqualification, resignation or death, no such vacancy shall be filled and the maximum number of directors shall be reduced accordingly until the number remaining in office is no greater than the number permitted by section 12.”

5. Subparagraph (i) of paragraph (b) of subsection (1) of section 90 of the said Act is repealed and the following substituted therefor:

“(i) an offer to purchase has been made to all the shareholders of such other loan company and has been accepted by the holders of at least sixty-seven per cent of the outstanding shares thereof, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of the shareholders duly called to consider the offer, or being partly in one form and partly in the other, and”

6. The said Act is further amended by adding thereto, immediately after section 90 thereof, the following heading and section:

“AMALGAMATION.

90A. (1) A company may, with the permission of the Minister, amalgamate with one or more other loan companies that are subject to this Act for the purpose of enabling them to continue as one company (hereinafter Amalgamation.

referred to as the "amalgamated company") under the name of one of the amalgamating companies or under a new name.

Agreement.

(2) The companies proposing to amalgamate shall enter into an agreement (hereinafter called an "amalgamation agreement") prescribing

- (a) the terms and conditions of the amalgamation;
- (b) the name of the amalgamated company;
- (c) the number of directors of the amalgamated company, which number may, notwithstanding section 12, be any number not exceeding the aggregate number of directors of the companies that are parties to the amalgamation agreement immediately prior to the amalgamation, subject to the condition that as vacancies occur between annual meetings of the amalgamated company by reason of disqualification, resignation or death, no such vacancy shall be filled and the maximum number of directors shall be reduced accordingly until the number remaining in office is no greater than the number permitted by section 12;
- (d) the names, callings and places of residence of the first directors and officers of the amalgamated company who shall hold office until the first annual meeting thereof;
- (e) the capital stock of the amalgamated company, the number of shares into which that stock is to be divided, and the par value thereof;
- (f) the manner and terms of issuing shares of the amalgamated company to the shareholders of the companies that are parties to the amalgamation agreement; and
- (g) such other matters as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated company.

(3) The directors of each company that is party to the amalgamation agreement shall cause

Submission of agreement to shareholders.

(a) the amalgamation agreement to be submitted to the shareholders of the company for consideration at a meeting duly called for the purpose;

Notice of meeting.

(b) notice of the time and place of the meeting, together with a copy of the amalgamation agreement, to be sent to each of the shareholders of the company at least six weeks before the date of the meeting by registered mail addressed to the last known address of each shareholder as recorded in the books of the company;

- (c) notice of the time and place of the meeting to be given in a newspaper, published at the place where the head office of the company is situated, at least once a week for six successive weeks prior to the date of the meeting; and Idem.
- (d) a copy of the notice that is sent to the shareholders of the company and a copy of the amalgamation agreement to be delivered to the Superintendent at least four weeks before the date of the meeting. Notice to Superintendent.
- (4) If, at the meeting of the shareholders of each company that is party to the amalgamation agreement, the amalgamation agreement is approved by resolution passed by the affirmative votes of at least three-fourths of the shares that are represented in person or by proxy at the meeting, and such affirmative vote represents at least fifty per cent of the issued capital stock of the company, Approval of agreement by shareholders.
- (a) that approval shall be certified upon the amalgamation agreement by the secretary of the company under the seal of the company; and
- (b) two copies of the amalgamation agreement certified as aforesaid by the secretary of each company shall be filed with the Superintendent.
- (5) An amalgamation agreement has no force or effect until it has been approved by the Governor in Council in accordance with subsection (6). Approval by Governor in Council.
- (6) The Governor in Council shall not approve the amalgamation agreement unless Idem.
- (a) the Treasury Board, on the report of the Superintendent, recommends that the amalgamation agreement be approved;
- (b) he is satisfied that the shareholders of each company that is a party to the amalgamation agreement have approved it in accordance with subsection (4);
- (c) the amalgamation agreement is submitted to the Governor in Council for approval within six months from the date of its execution; and
- (d) notice of the intention of the companies that are parties to the amalgamation agreement to submit the amalgamation agreement to the Governor in Council for approval has been published for at least four weeks in the Canada Gazette and in one or more newspapers published at the place where the head office of each company is situated.
- (7) The approval by the Governor in Council of the amalgamation agreement amalgamates the companies that are parties to the amalgamation agreement and creates Effect of approval.

them one body politic and corporate and they shall continue thereafter as one company under the name specified in the amalgamation agreement.

Effect of
agreement.

(8) The amalgamated company owns and possesses all the property, rights and interests and is subject to all the duties, liabilities and obligations of each company that is party to the amalgamation agreement and all of the shareholders of the companies that are parties to the amalgamation agreement immediately before the amalgamation are shareholders of the amalgamated company.

Idem.

(9) When approved by the Governor in Council, the amalgamation agreement has the force of law and the amalgamated company shall be deemed to be a loan company incorporated by special Act of the Parliament of Canada.

Idem.

(10) Subject to the amalgamation agreement, the amalgamated company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of this Act.

Evidence of
approval.

(11) The approval of the Governor in Council of an amalgamation agreement shall be evidenced by an Order of the Governor in Council and a copy of the Order purporting to have annexed thereto a true copy of the amalgamation agreement, certified by the Clerk or the Assistant Clerk of the Privy Council for Canada, is in all courts and for all purposes, *prima facie* evidence of the amalgamation agreement, of the due execution thereof, of its approval by the Governor in Council and of the regularity of all proceedings in connection therewith."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 52

An Act to amend the National Energy Board Act.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 1959, c. 46;
1960, c. 9.

1. (1) Paragraphs (e) and (f) of section 2 of the *National Energy Board Act* are repealed and the following substituted therefor:

“(e) “gas” means any natural gas whether or not it has been subjected to processing, and includes any fluid hydrocarbons other than oil;” “Gas.”

(2) Paragraph (l) of section 2 of the said Act is repealed and the following substituted therefor:

“(l) “oil” means “Oil.”

- (i) any crude oil or other hydrocarbons, regardless of gravity, that are or may be recovered in liquid form from an underground natural reservoir by ordinary production methods,
- (ii) any liquid hydrocarbons resulting from the processing or refining of any crude oil or other hydrocarbons described in subparagraph (i), and
- (iii) any natural gasoline resulting from the processing or refining of gas;”

2. Subsection (4) of section 3 of the said Act is repealed and the following substituted therefor:

“(4) A member appointed pursuant to subsection (2) or (3) is eligible to be reappointed to hold office during good behaviour for any term of seven years or less and every member ceases to hold office upon attaining the age of seventy years.” Eligibility
to be
reappointed;
retirement.

3. Section 17 of the said Act is repealed and the following substituted therefor:

Review
of orders.

“**17.** (1) Subject to subsection (2), the Board may review, rescind, change, alter or vary any order or decision made by it, or may rehear any application before deciding it.

Changes in
certificates
or licences.

(2) The Board may change, alter or vary a certificate or licence issued by it but no such change, alteration or variation is effective until approved by the Governor in Council.

Assignment
or transfer of
certificates
or licences.

(3) No assignment or transfer of a certificate or licence issued by the Board is effective until approved by the Board and the Governor in Council, and the Board may, in approving any such assignment or transfer, impose, in addition to or in lieu of any terms and conditions to which the certificate or licence was previously subject, such further or other terms and conditions to which the certificate or licence shall be subject as the Board considers necessary or desirable in order to give effect to the purposes and provisions of this Act.”

4. Section 20 of the said Act is repealed and the following substituted therefor:

Public
hearings.

“**20.** Hearings before the Board with regard to the issue, cancellation or suspension of certificates or of licences for the exportation of gas or power or the importation of gas shall be public, and the Board may hold public hearings in respect of any other matter if it considers it advisable to do so.”

5. Subsection (1) of section 28 of the said Act is repealed and the following substituted therefor:

Application
for
certificate;
material to
be filed.

“**28.** (1) Upon an application for a certificate, the company shall file with the Board a map showing the general location of the proposed line, the termini, and all cities, towns, villages, railways and navigable waters through, under or across which the line is to pass, together with such further or other plans, specifications and information as the Board considers necessary.”

6. Section 35 of the said Act is repealed and the following substituted therefor:

Further
plans.

“**35.** In addition to the plans, profiles and books of reference elsewhere provided for in this Act, a company shall, with all reasonable expedition, prepare and deposit with the Board such further or other material, including plans, specifications and drawings with respect to any portion of its pipe line or works, as the Board may from time to time order or require.”

7. Section 46 of the said Act is repealed and the following substituted therefor:

“**46.** The Board may issue a certificate subject to such terms and conditions as it considers necessary or desirable in order to give effect to the purposes and provisions of this Act.”

Terms and conditions of certificates.

8. Subsection (1) of section 49 of the said Act is repealed and the following substituted therefor:

“**49.** (1) The Board may make orders

Exempting orders.

(a) exempting

(i) pipe lines or branches or extensions to pipe lines, not exceeding in any case twenty-five miles in length, and

(ii) such tanks, reservoirs, pumps, racks, compressors, loading facilities, interstation systems of communication by telephone, telegraph or radio, and real and personal property and works connected therewith, as the Board considers proper,

from any or all of the provisions of sections 25 to 29; and

(b) exempting international power lines or parts thereof, not exceeding in any case a maximum transfer capacity of five thousand kilowatts, from any or all of the provisions of sections 40, 41 and 43.”

9. Section 59 of the said Act is amended by adding thereto the following subsection:

“(3) For the purposes of this section, “oil” includes any liquified gas that is or may be transported through a pipe line for the transmission of oil.”

Extended meaning of “oil.”

10. Section 61 of the said Act is repealed and the following substituted therefor:

“**61.** Where the gas transmitted by a company through its pipe line is the property of the company, the differential between the cost to the company of the gas at the point where it enters its pipe line and the amount for which the gas is sold by the company shall, for the purposes of this Part, be deemed to be a toll charged by the company to the purchaser for the transmission thereof.”

Tolls for transmission of gas.

11. Subsection (2) of section 74 of the said Act is repealed and the following substituted therefor:

“(2) The Board shall set a time for the hearing of the application which shall be sufficient to permit at least twenty-one days’ notice thereof to be given by the company

Notice to owners.

to the owners or possessors of the additional lands required, and the company shall give notice thereof accordingly and shall, upon such hearing, furnish to the Board copies of such notices, with affidavits of the service thereof."

12. Subsection (1) of section 77 of the said Act is repealed and the following substituted therefor:

Leave to construct highways, etc., across or along pipe lines.

"**77.** (1) No highway, private road, railway, irrigation ditch, drain, drainage ditch, sewer, telegraph, telephone line or line for the transmission of hydrocarbons, power or any other substance shall, except by leave of the Board, be carried across, along, upon or under any pipe line."

13. Section 82 of the said Act is amended by adding thereto the following subsection:

Conditions.

"(3) Every licence issued under this Part is subject to the condition that the person to whom it is issued will comply with the provisions of this Act and the regulations as in force at the date of the issue thereof and as subsequently enacted, made or amended, and will comply with every order made under the authority of this Act."

14. Subsection (2) of section 87 of the said Act is repealed and the following substituted therefor:

"Oil or gas" substituted for "gas."

"(2) Upon the issue of a proclamation under subsection (1), the expression "oil or gas" shall be deemed to be substituted for the expression "gas" wherever it occurs in this Part and in section 88."

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 53

An Act respecting Penitentiaries.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Penitentiary Act*. Short title.

INTERPRETATION.

2. (1) In this Act,
- (a) "Commissioner" means the Commissioner of Penitentiaries; Definitions.
"Commissioner."
 - (b) "inmate" means a person who, having been sentenced or committed to penitentiary, has been received and accepted at a penitentiary pursuant to the sentence or committal and has not been lawfully discharged therefrom; "Inmate."
 - (c) "Minister" means the Minister of Justice; "Minister."
 - (d) "penitentiary" means an institution or facility of any description, including all lands connected therewith, that is operated by the Service for the custody, treatment or training of persons sentenced or committed to penitentiary; and "Penitentiary."
 - (e) "Service" means the Canadian Penitentiary Service referred to in section 3. "Service."

(2) For the purposes of any law of Canada relating to escapes and rescues of prisoners, a penitentiary shall be deemed to include any place at or in which an inmate, prior to his lawful discharge from custody, is required by this Act or the regulations, or by an officer of the Service, to be or remain. Extended meaning of penitentiary.

Lands consti-
tuting peni-
tentiary.

(3) In any proceedings before a court in Canada in which a question arises concerning the location or dimension of lands alleged to constitute a penitentiary, a certificate, purporting to be signed by the Commissioner, setting out the location or description of the said lands as constituting a penitentiary, is admissible in evidence and in the absence of any evidence to the contrary is proof that the lands as located or described in the certificate constitute a penitentiary.

PENITENTIARY SERVICE.

Canadian
Penitentiary
Service.

3. There shall continue to be a penitentiary service in and for Canada which shall be known as the Canadian Penitentiary Service.

COMMISSIONER.

Com-
missioner.

4. (1) The Governor in Council may appoint and fix the salary of an officer to be known as the Commissioner of Penitentiaries who, under the direction of the Minister, has the control and management of the Service and all matters connected therewith.

Deputy
Com-
missioner.

(2) The Governor in Council may appoint and fix the salary of an officer to be known as the Deputy Commissioner of Penitentiaries who, in the event that the Commissioner is absent or unable to act or the office of Commissioner is vacant, has for the time being the control and management of the Service and all matters connected therewith and who, for such purposes, may exercise all the powers of the Commissioner under this or any other Act.

OFFICERS AND EMPLOYEES.

Directors.

5. (1) The Minister may appoint officers of the Service to be known as Directors of Divisions and Regional Directors.

Maximum
number.

(2) The maximum number of officers in each class and their salaries shall be as prescribed by the Treasury Board.

Other
officers and
employees.

6. (1) The Commissioner, under the direction of the Minister, may appoint such other officers and employees of the Service as are necessary for the administration of this Act, and, in respect of such appointments, the preferences provided in the *Civil Service Act* in respect of military service shall apply.

Ranks and
grades.

(2) The ranks and grades of officers and employees appointed by the Commissioner under subsection (1), the maximum number of persons to be appointed to each such rank and grade and their salaries shall be as prescribed by the Treasury Board.

7. (1) Every officer and employee of the Service shall, before entering upon the duties of his office, take the oath of allegiance and, in the case of an officer, an oath of office in the following form: Oath.

I, AB, solemnly swear that I will faithfully, diligently and impartially execute and perform the duties required of me as an officer of the Canadian Penitentiary Service and will well and truly obey and perform all lawful orders that I receive as such, without fear, favour or affection of or towards any person. So help me God.

(2) The oath prescribed by subsection (1) and any other oath or declaration that may be necessary or required may be taken by the Commissioner before any judge, magistrate or justice of the peace having jurisdiction in any part of Canada, and by any other officer of the Service before the Commissioner or any officer in charge of an institution or any person having authority to administer oaths or affidavits. Authority to administer

8. (1) Officers and employees of the Service hold office during pleasure. Tenure.

(2) The Commissioner may, where he considers it in the interests of the Service, suspend from duty any officer or employee of the Service. Suspension.

(3) The officer in charge of a penitentiary may, where he considers it in the interests of the Service, suspend from duty any officer or employee of the Service who is under his jurisdiction. Idem.

9. In the event that the Commissioner and Deputy Commissioner are absent or unable to act or the offices are vacant the senior Divisional Head at the headquarters of the Service has, for the time being, the control and management of the Service and all matters connected therewith, and for such purposes he may exercise all the powers of the Commissioner under this or any other Act. Authority where Commissioner and Deputy Commissioner absent.

10. (1) Every person who, immediately prior to the coming into force of this Act, was employed in a position in the penitentiary service by virtue of the *Civil Service Act* continues, notwithstanding anything in this Act, to be employed by virtue of and to be subject to that Act while he occupies that position. Application of Civil Service Act.

(2) Where, immediately prior to the coming into force of this Act, an officer or employee of the Service was entitled, upon his retirement, to a gratuity under the *Penitentiary Act* he shall, after the coming into force of this Act, continue to be entitled to the same benefits, by way of gratuity upon retirement, as if the former Act had continued in force until his retirement. Gratuity.

Application
of Public
Service
Superan-
nuation Act.

(3) Officers and employees of the Service other than those to whom subsection (2) applies shall be deemed to be employed in the Public Service for the purposes of the *Public Service Superannuation Act*.

Officers to be
peace
officers.

11. Every officer of the Service is a peace officer in every part of Canada and has all the powers, authority, protection and privileges that a peace officer has by law.

HEADQUARTERS.

Head-
quarters.

12. (1) The headquarters of the Service and the offices of the Commissioner shall be at Ottawa.

Regional
head-
quarters.

(2) The Commissioner may establish regional headquarters of the Service and fix the location of regional offices.

INVESTIGATIONS.

Investi-
gations.

13. The Commissioner may, from time to time, appoint a person to investigate and report upon any matter affecting the operation of the Service and, for that purpose, the person so appointed has all of the powers of a commissioner appointed under Part II of the *Inquiries Act*, and section 10 of that Act applies, *mutatis mutandis*, in respect of investigations carried on under the authority of this section.

COMMITTAL, RECEPTION AND TRANSFER OF INMATES.

Committal.

14. (1) Where a person is sentenced or committed to imprisonment for life, for an indeterminate period or for any term that is required to be served in a penitentiary, it is sufficient compliance with the law, notwithstanding anything in the *Criminal Code*, if the warrant of committal states that the person was sentenced or committed to imprisonment in penitentiary for life, for an indeterminate period or for the term in question, as the case may be, without stating the name of any penitentiary to which the person is sentenced or committed.

Rules.

(2) The Commissioner may make rules naming the penitentiaries in which, in the first instance, persons sentenced or committed in any part of Canada to penitentiary shall be received.

Transfer.

(3) Where a person has been sentenced or committed to penitentiary, the Commissioner or any officer directed by the Commissioner may, by warrant under his hand, direct that the person shall be committed or transferred to any penitentiary in Canada, whether or not that person has been received in the relevant penitentiary named in rules made under subsection (2).

(4) Where a person has been sentenced or committed to penitentiary, the officer in charge of the regional headquarters for the region in which the person is confined may, by warrant under his hand, direct the transfer of that person to any other penitentiary within the region.

Transfer
within a
region.

(5) Notwithstanding anything in this Act, every person who is sentenced by any court in Newfoundland to imprisonment for life, or for a term of years, not less than two, shall be sentenced to imprisonment in the penitentiary operated by the Province of Newfoundland at the City of St. John's for the confinement of prisoners, and shall be subject to the statutes, rules, regulations and other laws pertaining to the management and control of the said penitentiary.

Newfound-
land.

(6) Subject to the approval of the Governor in Council, the Minister of Justice may enter into an agreement with the Province of Newfoundland providing for the payment to the province of the cost of maintaining persons who are or have been sentenced or committed to penitentiary.

Agreement.

(7) A person shall be deemed to be in lawful custody anywhere in Canada if,

Custody in
transit.

(a) having been sentenced or committed to penitentiary, he is in the custody of a person acting under the authority of the court that sentenced or committed him, or

(b) having been directed to be transferred to another penitentiary, he is in the custody of a person acting under the authority of the officer who directed the transfer.

YUKON TERRITORY AND NORTHWEST TERRITORIES.

15. (1) The Minister may, subject to the approval of the Governor in Council, arrange with the Lieutenant-Governor of any province for the confinement, in the prisons or reformatories of that province, of persons convicted in the Yukon Territory or the Northwest Territories and for the compensation to be paid by the Government of Canada to the government of the province in respect of persons so confined.

Arrangements
with
provinces.

(2) Where an arrangement has been made under subsection (1), the Commissioner or any officer directed by him may, by warrant under his hand, direct the transfer of a person convicted in the Yukon Territory or the Northwest Territories to a prison or reformatory in a province in respect of which the arrangement applies, and the person shall, while he is being escorted to that prison, be deemed to be in lawful custody.

Transfer.

Deeming. (3) A person who is confined in a prison or reformatory outside the Yukon Territory or the Northwest Territories pursuant to an arrangement made under subsection (1) shall, during the term of his sentence or period of committal, be deemed to be lawfully confined.

SENTENCES OF LESS THAN TWO YEARS.

Agreement. **16.** (1) The Minister, with the general or special approval of the Governor in Council, may on behalf of the Government of Canada enter into an agreement with the government of any province for the confinement in penitentiaries or any other institution under the direction or supervision of the Service, of persons sentenced or committed under the criminal law of Canada to imprisonment for more than six months but less than two years, but any such agreement shall include provisions whereby such persons shall be confined at the expense of the provincial government concerned.

Deeming. (2) A person who is confined in a penitentiary or other institution pursuant to an agreement made under subsection (1) shall, during the term of his sentence or period of committal, be deemed to be lawfully confined.

RECEPTION OF INMATES.

Pending appeal. **17.** A person who has been sentenced or committed to penitentiary shall not be received in a penitentiary pending the determination of an appeal nor until after the expiration of the time limited by law for an appeal, but the person may, whether or not he has entered an appeal, give written notice to the court that sentenced or committed him that he elects not to appeal or abandons his appeal, as the case may be, and thereupon the time limited for appeal shall be deemed to have expired.

Medical certificate. **18.** Subject to any relevant agreement that may be made under section 19, the officer in charge of a penitentiary is not required to accept a person into custody under a warrant of committal unless there is, in relation to that person, a certificate of a duly qualified medical practitioner which certifies that the person is free from dangerous, contagious or infectious disease.

MENTALLY ILL OR DISEASED INMATES.

Mentally ill inmates. **19.** (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with the government of any province to provide for the custody,

in a mental hospital or other appropriate institution operated by the province, of persons who, having been sentenced or committed to penitentiary, are found to be mentally ill or mentally defective at any time during confinement in penitentiary.

(2) Where no agreement has been made pursuant to subsection (1) between the Minister and the government of any province from which a mentally ill or mentally defective person is sentenced or committed to penitentiary, the officer in charge of the penitentiary may, on the advice of the penitentiary physician or psychiatrist, refuse to accept custody of that person under the sentence or committal or, if custody of that person has been accepted, may, under the authority of a written direction by the Commissioner, return that person to the prison or other place of confinement from which he was received. Idem.

(3) The Minister may, with the approval of the Governor in Council, enter into an agreement with the government of any province to provide for the custody, in penitentiary hospitals, of persons who, having been sentenced or committed to a provincial prison, are found to be suffering from any dangerous, contagious or infectious disease at any time during the sentence. Diseased inmates.

(4) A person who, pursuant to subsection (1), is confined in a provincial hospital or other institution shall, during the term of his confinement therein, be deemed to be confined in a penitentiary. Deeming.

(5) A person who, pursuant to subsection (3), is confined in a penitentiary hospital shall, during the term of his confinement therein, be deemed to be confined in a provincial prison. Idem.

DISCHARGE OF DISEASED INMATES.

20. Where, on the day appointed for the lawful discharge of an inmate from a penitentiary, he is found to be suffering from a disease that is dangerous, contagious or infectious, he shall be detained in the penitentiary until such time as the officer in charge has made appropriate arrangements for the treatment of the inmate in an appropriate provincial institution or until the inmate is cured, whichever is the earlier. Diseased inmates.

YOUNG INMATES.

21. (1) Where facilities exist for the separate confinement of young offenders within a region of Canada no person who, having been sentenced or committed to penitentiary, is under the age of sixteen years shall, within that Not to associate with adults.

region, be confined in association with persons who are twenty-one years of age or more unless the Commissioner otherwise directs in writing.

Transfer to provincial institution.

(2) Where, in any region of Canada, a person under the age of sixteen years is sentenced or committed to penitentiary and, within that region, an institution is operated by the government of a province for the custody and training of persons under the age of twenty-one years, the Commissioner may, by warrant, authorize the transfer of that person to such institution and that person shall be dealt with accordingly.

Transfer to penitentiary.

(3) Where, in any region of Canada, a person under the age of sixteen years is confined in an institution operated by the government of a province for the custody and training of persons under the age of twenty-one years and the warden, superintendent or other officer in charge of that institution is of the opinion that the person is unsuitable for training in that institution, he may, by warrant, approved in writing by the Attorney General or other provincial Minister of the Crown, authorize the transfer of that person to any institution operated by the Government of Canada within the region for the separate confinement of young offenders.

STATUTORY REMISSION.

One-quarter remission.

22. (1) Every person who is sentenced or committed to penitentiary for a fixed term shall, upon being received into a penitentiary, be credited with statutory remission amounting to one-quarter of the period for which he has been sentenced or committed as time off subject to good conduct.

Effect on coming into force.

(2) Every inmate who, upon the coming into force of this Act, is serving a sentence for a fixed term shall be credited with statutory remission amounting to one-quarter of the period remaining to be served under his sentence, without prejudice to any statutory remission standing to his credit immediately prior to the coming into force of this Act.

Forfeiture.

(3) Every inmate who, having been credited with remission pursuant to subsection (1) or (2), is convicted in disciplinary court of any disciplinary offence is liable to forfeit, in whole or in part, the statutory remission that remains to his credit, but no such forfeiture of more than thirty days shall be valid without the concurrence of the Commissioner, nor more than ninety days without the concurrence of the Minister.

(4) Every inmate who is convicted by a criminal court of the offence of escape or attempt to escape forthwith forfeits three-quarters of the statutory remission standing to his credit at the time that offence was committed.

Forfeiture
for escape.

23. The Commissioner may, where he is satisfied that it is in the interest of the rehabilitation of an inmate, remit any forfeiture of statutory remission but shall not remit more than ninety days of forfeited statutory remission without the approval of the Minister.

Remission of
forfeiture.

EARNED REMISSION.

24. Every inmate may, in accordance with the regulations, be credited with three days' remission of his sentence in respect of each calendar month during which he has applied himself industriously to his work, and any remission so earned is not subject to forfeiture for any reason.

Earned
remission.

PAROLE.

25. Where, under the *Parole Act*, authority is granted to an inmate to be at large during his term of imprisonment, the term of imprisonment, for all purposes of that Act, includes any period of statutory remission standing to his credit when he is released but does not include any period of earned remission standing to his credit at that time.

Term to
include
period of
statutory
remission.

TEMPORARY ABSENCE.

26. Where, in the opinion of the Commissioner or the officer in charge of a penitentiary, it is necessary or desirable that an inmate should be absent, with or without escort, for medical or humanitarian reasons or to assist in the rehabilitation of the inmate, the absence may be authorized from time to time

Temporary
absence.

- (a) by the Commissioner, for an unlimited period for medical reasons and for a period not exceeding fifteen days for humanitarian reasons or to assist in the rehabilitation of the inmate, or
- (b) by the officer in charge, for a period not exceeding fifteen days for medical reasons and for a period not exceeding three days for humanitarian reasons or to assist in the rehabilitation of the inmate.

PENITENTIARY INDUSTRY.

27. (1) There shall be a committee called the Advisory Committee on Penitentiary Industry, to be appointed by the Minister and to consist of not more than nine persons chosen from the fields of industry, labour, government and

Advisory
Committee.

the general public, to advise the Commissioner concerning industrial operations to be carried on by inmate labour in connection with the Service.

Expenses.

(2) Members of the Advisory Committee appointed pursuant to subsection (1) shall serve without remuneration but are entitled to be paid reasonable travelling and living expenses incurred by them while absent from their ordinary place of residence in connection with the work of the Committee.

BUILDINGS AND WORKS.

Commissioner's powers.

28. The repair and maintenance of buildings and works in relation to penitentiaries and, to the extent specified by any order of the Governor in Council, the construction of such buildings and works, are under the control and direction of the Commissioner.

REGULATIONS AND RULES.

Regulations.

29. (1) The Governor in Council may make regulations
 (a) for the organization, training, discipline, efficiency, administration and good government of the Service;
 (b) for the custody, treatment, training, employment and discipline of inmates; and
 (c) generally, for carrying into effect the purposes and provisions of this Act.

Penalty for violation.

(2) The Governor in Council may, in any regulations made under subsection (1) other than paragraph (b) thereof, provide for a fine not exceeding five hundred dollars or imprisonment for a term not exceeding six months, or both such fine and imprisonment, to be imposed upon summary conviction for the violation of any such regulation.

Rules and orders of Commissioner.

(3) Subject to this Act and any regulations made under subsection (1), the Commissioner may make rules, to be known as Commissioner's directives, for the organization, training, discipline, efficiency, administration and good government of the Service, and for the custody, treatment, training, employment and discipline of inmates and the good government of penitentiaries.

ANNUAL REPORT.

Annual report.

30. The Minister shall, on or before the 31st day of January next following the end of each fiscal year, or if Parliament is not then sitting on any of the first five days next thereafter that Parliament is sitting, submit to Parliament a report showing the operations of the Service for that fiscal year.

REPEAL AND COMING INTO FORCE.

31. The *Penitentiary Act* is repealed.

R.S., c. 206;
1958, c. 39.

32. This Act shall come into force on a day to be fixed
by proclamation of the Governor in Council.

Coming into
force.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 54

An Act to amend the Railway Act.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 234;
1955, cc. 41.
55;
1953, c. 40;
1960, c. 35.

1. Section 328 of the *Railway Act* is amended by adding thereto the following subsection:

“(8) For the purposes of subsections (6) and (7) and the Act and agreement therein referred to, the expression “grain” includes rapeseed, and the rates applicable to the movement of rapeseed from any point referred to in subsection (6) after the coming into force of this subsection shall not exceed the rates applicable to flaxseed.”

Rapeseed.

2. This Act shall come into force on the 1st day of August, 1961.

Coming into force.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 55

An Act to amend the Trust Companies Act.

[Assented to 13th July, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

R.S., c. 272;
1952-53, c. 10;
1958, c. 42.

1. (1) Subparagraph (ii) of paragraph (a) of subsection (1) of section 64 of the *Trust Companies Act* is repealed and the following substituted therefor:

“(ii) mortgages or hypothecs on freehold real estate in Canada and agreements for sale of such real estate, but the amount paid for the mortgage, hypothec or agreement for sale, together with the amount of indebtedness under any mortgage, hypothec or agreement for sale ranking equally with or superior to the mortgage, hypothec or agreement for sale in which the investment is made, shall not exceed two-thirds of the value of the real estate,”

(2) Subparagraph (iii) of paragraph (b) of subsection (1) of section 64 of the said Act is repealed and the following substituted therefor:

“(iii) freehold real estate in Canada for the production of income in accordance with paragraph (l) of subsection (1) of section 68, but the amount invested under this subparagraph shall not exceed five per cent of the total guaranteed trust money held by the company or twenty-five per cent of the company's unimpaired paid-up capital and reserve, and the amount invested in any one parcel of real estate under this subparagraph, when added to the amount invested in such parcel under the said paragraph (l), shall not exceed one per cent of the aggregate of

- (A) the book value of the company's own funds, and
- (B) the guaranteed trust money held by the company;"

(3) Subparagraph (iii) of paragraph (c) of subsection (1) of section 64 of the said Act is repealed and the following substituted therefor:

"(iii) freehold real estate in Canada, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking equally with or superior to the loan, shall not exceed two-thirds of the value of the real estate; and"

(4) Subparagraphs (ii) and (iii) of paragraph (d) of subsection (1) of section 64 of the said Act are repealed and the following substituted therefor:

"(ii) securities mentioned in any of paragraphs (b) to (j) of subsection (1) of section 68 or in paragraph (b) of subsection (3) of section 68, if such securities are also authorized by the instrument creating the trust, subject to all the limitations and restrictions imposed by section 68 other than by subsections (8) and (12) thereof, or

(iii) freehold real estate in Canada, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking equally with or superior to the loan, shall not exceed two-thirds of the value of the real estate."

2. (1) Paragraph (f) of subsection (1) of section 68 of the said Act is repealed and the following substituted therefor:

"(f) obligations or certificates issued by a trustee to finance the purchase of transportation equipment for a corporation incorporated in Canada to be used on railways or public highways, if the obligations or certificates are fully secured by

- (i) an assignment of the transportation equipment to, or the ownership thereof by the trustee, and
- (ii) a lease or conditional sale thereof by the trustee to the corporation;"

(2) Paragraph (k) of subsection (1) of section 68 of the said Act is repealed and the following substituted therefor:

"(k) mortgages or hypothecs on freehold real estate in Canada and agreements for sale of such real estate, but the amount paid for the mortgage, hypothec or agreement for sale, together with the amount of indebtedness under any mortgage, hypothec or

agreement for sale ranking equally with or superior to the mortgage, hypothec or agreement for sale in which the investment is made, shall not exceed two-thirds of the value of the real estate; or”

(3) All that portion of paragraph (l) of subsection (1) of section 68 preceding subparagraph (i) thereof is repealed and the following substituted therefor:

“(l) freehold real estate in Canada for the production of income, either alone or jointly with any other trust company, loan company or insurance company incorporated in Canada, if”

(4) Subparagraph (iii) of paragraph (l) of subsection (1) of section 68 of the said Act is repealed and the following substituted therefor:

“(iii) the amount invested in any one parcel of real estate under this paragraph when added to the amount invested in such parcel under subparagraph (iii) of paragraph (b) of subsection (1) of section 64 does not exceed one per cent of the aggregate of

(A) the book value of the company's own funds, and

(B) the guaranteed trust money held by the company;”

(5) Paragraph (d) of subsection (3) of section 68 of the said Act is repealed and the following substituted therefor:

“(d) freehold real estate in Canada, but the amount of the loan, together with the amount of indebtedness under any mortgage or hypothec on the real estate ranking equally with or superior to the loan, shall not exceed two-thirds of the value of the real estate, subject to the exception that the company may accept as part payment for real estate sold by it a mortgage or hypothec for more than two-thirds of the sale price of the real estate.”

(6) Section 68 of the said Act is further amended by adding thereto, immediately after subsection (5) thereof, the following subsection:

“(5a) The company may make investments and loans of its own funds otherwise than authorized by this section, but

Other investments and loans.

(a) the total book value of the investments and loans made under the authority of this subsection and held by the company, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed fifteen per cent of the company's unimpaired paid-up capital and reserve; and

Limitation.

(b) this subsection does not

Exceptions.

- (i) enlarge the authority conferred by subsections (1) to (3) to invest in mortgages or hypothecs on real estate, to invest in real estate or to lend on the security of real estate, or
- (ii) affect the operation of paragraph (j) of subsection (1) with reference to the maximum proportion of the common stocks and total stocks of any corporation that may be purchased, or with reference to the prohibition against investing in the company's own stock or in the stock of any other trust company."

(7) Subsections (8) to (10) of section 68 of the said Act are repealed and the following substituted therefor:

Limitation on investment in common stocks.

"(8) Except as provided in section 79 and subject to subsection (12) of this section, the total book value of the investments of the company's own funds in common stocks, when added to the total book value of the investments of guaranteed trust money in common stocks, shall not exceed fifteen per cent of the aggregate of

- (a) the book value of the company's own funds, and
- (b) the guaranteed trust money held by the company."

(8) Subsection (12) of section 68 of the said Act is repealed and the following substituted therefor:

Idem.

"(12) The book value of the investments and loans of the company's own funds in, or upon the security of, the stocks of corporations shall not exceed in the aggregate twenty-five per cent of the company's unimpaired paid-up capital and reserve."

3. (1) Subparagraph (i) of paragraph (b) of subsection (2) of section 79 of the said Act is repealed and the following substituted therefor:

- "(i) an offer to purchase has been made to all the shareholders of such other trust company and has been accepted by the holders of at least sixty-seven per cent of the outstanding shares thereof, such evidence of acceptance being in the form of written agreements or in the form of a resolution signed by or on behalf of the shareholders voting therefor, in person or by proxy, at a meeting of shareholders duly called to consider the offer, or being partly in one form and partly in the other, and"

(2) Section 79 of the said Act is further amended by adding thereto the following subsection:

Number of directors.

"(6) Where a company acquires the whole of the business, rights and property of another trust company under the authority of this section, the company may, notwithstanding section 15, by by-law duly passed by the directors,

increase the number of directors to any number not exceeding the aggregate of the number of directors of both companies at the time of the acquisition, subject to the condition that as vacancies occur between annual meetings of the company by reason of disqualification, resignation or death, no such vacancy shall be filled and the maximum number of directors shall be reduced accordingly until the number remaining in office is not greater than the number permitted by section 15."

4. The said Act is further amended by adding thereto, immediately after section 80 thereof, the following heading and section:

"AMALGAMATION.

80A. (1) A company may, with the permission of the Minister, amalgamate with one or more other trust companies that are subject to this Act for the purpose of enabling them to continue as one company (hereinafter referred to as the "amalgamated company") under the name of one of the amalgamating companies or under a new name. Amalgamation.

(2) The companies proposing to amalgamate shall enter into an agreement (hereinafter called an "amalgamation agreement") prescribing Agreement.

- (a) the terms and conditions of the amalgamation;
- (b) the name of the amalgamated company;
- (c) the number of directors of the amalgamated company, which number may, notwithstanding section 15, be any number not exceeding the aggregate number of directors of the companies that are parties to the amalgamation agreement immediately prior to the amalgamation, subject to the condition that as vacancies occur between annual meetings of the amalgamated company by reason of disqualification, resignation or death, no such vacancy shall be filled and the maximum number of directors shall be reduced accordingly until the number remaining in office is no greater than the number permitted by section 15;
- (d) the names, callings and places of residence of the first directors and officers of the amalgamated company who shall hold office until the first annual meeting thereof;
- (e) the capital stock of the amalgamated company, the number of shares into which that stock is to be divided, and the par value thereof;
- (f) the manner and terms of issuing shares of the amalgamated company to the shareholders of the

companies that are parties to the amalgamation agreement; and

- (g) such other matters as may be necessary to perfect the amalgamation and to provide for the subsequent management and working of the amalgamated company.

(3) The directors of each company that is party to the amalgamation agreement shall cause

Submission of agreement to shareholders.

- (a) the amalgamation agreement to be submitted to the shareholders of the company for consideration at a meeting duly called for the purpose;

Notice of meeting.

- (b) notice of the time and place of the meeting, together with a copy of the amalgamation agreement, to be sent to each of the shareholders of the company at least six weeks before the date of the meeting by registered mail addressed to the last known address of each shareholder as recorded in the books of the company;

Idem.

- (c) notice of the time and place of the meeting to be given in a newspaper, published at the place where the head office of the company is situated, at least once a week for six successive weeks prior to the date of the meeting; and

Notice to Superintendent.

- (d) a copy of the notice that is sent to the shareholders of the company and a copy of the amalgamation agreement to be delivered to the Superintendent at least four weeks before the date of the meeting.

Approval of agreement by shareholders.

(4) If, at the meeting of the shareholders of each company that is party to the amalgamation agreement, the amalgamation agreement is approved by resolution passed by the affirmative votes of at least three-fourths of the shares that are represented in person or by proxy at the meeting, and such affirmative vote represents at least fifty per cent of the issued capital stock of the company,

- (a) that approval shall be certified upon the amalgamation agreement by the secretary of the company under the seal of the company; and

- (b) two copies of the amalgamation agreement certified as aforesaid by the secretary of each company shall be filed with the Superintendent.

Approval by Governor in Council.

(5) An amalgamation agreement has no force or effect until it has been approved by the Governor in Council in accordance with subsection (6).

Idem.

(6) The Governor in Council shall not approve the amalgamation agreement unless

- (a) the Treasury Board, on the report of the Superintendent, recommends that the amalgamation agreement be approved;

- (b) he is satisfied that the shareholders of each company that is a party to the amalgamation agreement have approved it in accordance with subsection (4);
- (c) the amalgamation agreement is submitted to the Governor in Council for approval within six months from the date of its execution; and
- (d) notice of the intention of the companies that are parties to the amalgamation agreement to submit the amalgamation agreement to the Governor in Council for approval has been published for at least four weeks in the Canada Gazette and in one or more newspapers published at the place where the head office of each company is situated.

(7) The approval by the Governor in Council of the amalgamation agreement amalgamates the companies that are parties to the amalgamation agreement and creates them one body politic and corporate and they shall continue thereafter as one company under the name specified in the amalgamation agreement. Effect of approval.

(8) The amalgamated company owns and possesses all the property, rights and interests and is subject to all the duties, liabilities and obligations of each company that is party to the amalgamation agreement and all of the shareholders of the companies that are parties to the amalgamation agreement immediately before the amalgamation are shareholders of the amalgamated company. Effect of agreement.

(9) When approved by the Governor in Council, the amalgamation agreement has the force of law and the amalgamated company shall be deemed to be a trust company incorporated by special Act of the Parliament of Canada. Idem.

(10) Subject to the amalgamation agreement, the amalgamated company shall have all the powers, privileges and immunities conferred by, and be subject to all the limitations, liabilities and provisions of this Act. Idem.

(11) The approval of the Governor in Council of an amalgamation agreement shall be evidenced by an Order of the Governor in Council and a copy of the Order purporting to have annexed thereto a true copy of the amalgamation agreement, certified by the Clerk or the Assistant Clerk of the Privy Council for Canada, is in all courts and for all purposes, *prima facie* evidence of the amalgamation agreement, of the due execution thereof, of its approval by the Governor in Council and of the regularity of all proceedings in connection therewith." Evidence of approval.

9 - 10 ELIZABETH II.

CHAP. 56

An Act respecting the Construction of a Line of Railway in the Province of Alberta and in the Northwest Territories by Canadian National Railway Company from a point at or near Grimshaw, in the Province of Alberta, in a northerly direction to Great Slave Lake, in the Northwest Territories.

[Assented to 29th September, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

- 1.** In order to establish transportation services to and from mining properties in the area of Great Slave Lake, in the Northwest Territories, and otherwise to assist in the development of Northern Canada, the Governor in Council may provide for the construction and completion by the Canadian National Railway Company (in this Act called "the Company") prior to the 31st day of December, 1966, or such later date as the Governor in Council may fix, of the line of railway (in this Act called "the railway line") described in the Schedule.

Construction and completion.
- 2.** The Company shall adopt the principle of competitive bids or tenders in respect of the construction of the railway line in so far as the Company decides not to perform such work or any part thereof with its own forces, but the Company is not bound to accept the lowest or any bid or tender made or obtained nor precluded from negotiating for better prices or terms.

Competitive bids or tenders.
- 3.** Estimates of the mileage of the railway line, the amount to be expended on the construction thereof and the average expenditure per mile are set out in the Schedule, and, except with the approval of the Governor in Council, such estimates shall not be exceeded by more than fifteen per cent.

Maximum expenditure.

Subsidy to
Canadian
National
Railway
Company for
construction
of railway.

4. The Governor in Council shall pay to the Company a subsidy equal to the cost to the Company of constructing the railway line, including the cost of acquisition of the land required for the railway line, but not exceeding, in any case, the sum of eighty-six million, two hundred and fifty thousand dollars.

How subsidy
shall be paid.

5. The subsidy hereby authorized shall be paid to the Company out of the Consolidated Revenue Fund by the payment from time to time, at the direction of the Governor in Council upon the report of the Minister of Transport as to the mileage of railway line constructed or to be constructed, of such amounts, in such manner and subject to such conditions, if any, as the Governor in Council deems expedient.

Agreement
required.

6. Notwithstanding anything contained in this Act, construction of the railway line shall not be commenced and no payment on account of the subsidy referred to in section 4 shall be made until an agreement, satisfactory to the Governor in Council, has been entered into between Her Majesty, the Company, Consolidated Mining and Smelting Company of Canada Limited and Pine Point Mines Limited providing, among other things,

- (a) for payments to Her Majesty not exceeding twenty million dollars, on behalf of Pine Point Mines Limited towards the cost of constructing the railway line, such payments to be based on the average annual value per ton of ore and concentrates shipped, to commence after the completion of construction of the railway line and to continue for a period of ten years;
- (b) a guarantee to the Company by Pine Point Mines Limited, and, to the extent of the payments referred to in paragraph (a), by Her Majesty, of such traffic volume over the railway line as will, in the opinion of the Company, be sufficient to ensure recovery of the cost of operating and maintaining the railway line based on such freight rates and for such period of time as may be set out in the agreement; and
- (c) for the routing, in a manner satisfactory to the Company, of the railway traffic originating at or from the properties of Pine Point Mines Limited at Pine Point and moving by railway to any place or point beyond the southern terminal of the railway line, for the purpose of ensuring to the Company an equitable share of such traffic.

7. Any amount payable by Her Majesty pursuant to the guarantee referred to in paragraph (b) of section 6 shall be paid to the Company out of the Consolidated Revenue Fund at the direction of the Governor in Council, upon the report of the Minister of Transport that such amount is payable.

How
guarantee
shall be paid.

8. Except as otherwise ordered by the Board of Transport Commissioners for Canada, the Company is not required to fence any part of the right-of-way of the railway line and is not liable in respect of any loss or injury sustained by reason only of the absence of fencing.

Fencing.

9. The Minister of Transport shall present to Parliament during the first thirty days of each session held prior to the date of completion fixed by or under section 1 a statement showing in detail the nature and extent of the work done under the authority of this Act during the previous calendar year, and the expenditure thereon, and the estimated expenditure for the current calendar year, together with the amount of any payments made under section 5 and such further information as the Minister of Transport may direct and after completion of the line an annual financial statement on the operation and maintenance of the line together with a statement showing the net capital investment on the line.

Report to
Parliament.

SCHEDULE.

Location	Estimates		
	Mileage	Cost of Construction	Average cost per mile
From a point of connection on the Northern Alberta Railways at or near Grimshaw, in the Province of Alberta, in a northerly direction to Hay River on Great Slave Lake and to the area of the mineral claims held by Pine Point Mines Limited and located at or near Pine Point south of Great Slave Lake, in the Northwest Territories.....	Approx. 438 miles	\$75,000,000	\$171,233

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 57

An Act respecting the Civil Service of Canada.

[Assented to 29th September, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *Civil Service Act*.

Short title.

INTERPRETATION.

2. (1) In this Act,

Definitions.

(a) "allowance" means compensation payable

"Allowance."

(i) in respect of a position, or in respect of some of the positions in a class, by reason of duties of a special nature, or

(ii) for duties that an employee is required to perform in addition to the duties of his position;

(b) "civil service" means the positions in the public service for the appointment to which there is no authority in or under any Act of Parliament (other than this Act) except

"Civil service."

(i) the offices of commissioner and the positions of persons appointed under section 73;

(ii) prevailing rates positions and the positions of persons appointed under subsection (1) of section 71;

(iii) the positions of persons engaged locally outside Canada;

(iv) positions in or in connection with government railways or ships;

(v) the positions of postmasters of any revenue post office the revenue of which does not exceed three thousand dollars per annum; and

(vi) the officers, clerks and employees of both Houses of Parliament and of the Library of Parliament;

- “Classify.” (c) “classify” in relation to a position means to assign a class and grade to a position;
- “Closed competition.” (d) “closed competition” means a competition that is open only to persons employed in the public service;
- “Commission.” (e) “Commission” means the Civil Service Commission;
- “Commissioner.” (f) “commissioner” means a member of the Commission, and includes the Chairman;
- “Department.” (g) “department” means a department named in Schedule A to the *Financial Administration Act*, and any division or branch of the public service designated by the Governor in Council as a department for the purposes of this Act;
- “Deputy head.” (h) “deputy head” in relation to a department named in Schedule A to the *Financial Administration Act* means the deputy minister of the department, and in relation to any division or branch of the public service designated under paragraph (g) as a department, such person as the Governor in Council may designate as the deputy head for the purposes of this Act;
- “Employee.” (i) “employee” means a person employed in the civil service;
- “Establishment.” (j) “establishment” means the positions in a department to which appointments may be made, as approved by the Governor in Council;
- “Government railways or ships.” (k) “government railways or ships” means
 (i) any railway owned or controlled by Her Majesty, and
 (ii) any vessel, however propelled, used in navigation or in the improvement of navigation that is the property of or chartered or employed by Her Majesty, or the cost of which, or any portion of the cost of which, has been defrayed out of the Consolidated Revenue Fund;
- “Incompetence.” (l) “incompetence” means incompetence of an employee in the performance of his duties, and includes negligence;
- “Lay-off.” (m) “lay-off” means a person who has been laid off pursuant to subsection (1) of section 54 and who in the opinion of the Commission is suitable for continued employment in the civil service;
- “Local office.” (n) “local office” means an office established to serve an area comprising a part but not the whole of Canada;
- “Minister.” (o) “Minister” includes the Solicitor General and any member of the Queen’s Privy Council for Canada holding the office of a Minister of the Crown;
- “Misconduct.” (p) “misconduct” means misconduct of an employee in the performance of his duties, and includes bringing the civil service into disrepute;

- (q) "open competition" means a competition that is open to persons who are not employed in the public service as well as to persons who are so employed; "Open competition."
- (r) "prevailing rates positions" means positions declared by the Governor in Council under subsection (5) to be prevailing rates positions; "Prevailing rates positions."
- (s) "public service" means the Public Service as defined in the *Public Service Superannuation Act*; and "Public service."
- (t) "remuneration" means pay and allowances. "Remuneration."

(2) For the purposes of paragraphs (d) and (q) of subsection (1) of this section and section 34, members of the Royal Canadian Mounted Police or the Canadian Forces shall be deemed to be persons employed in the public service. Members of R.C.M.P. and Canadian Forces.

(3) Where in any of the provisions of this Act a comparison is made between a position in one grade and a position in another grade, for the purposes of such comparison the position in the grade having the higher maximum rate of pay shall be known as the higher position and the other position shall be known as the lower position. Lower and higher positions defined.

- (4) Unless the context otherwise requires References.
 - (a) a reference in any of the provisions of this Act to a deputy head in relation to an employee shall be construed as a reference to the deputy head of the department in which the employee is employed; and
 - (b) a reference in any of the provisions of this Act to a deputy head in relation to a department shall be construed as a reference to the deputy head of that department.

(5) The Governor in Council, on the recommendation of the Commission, may declare any positions, not being professional, semi-professional, managerial or clerical in character, to be prevailing rates positions, and may revoke any declaration made under this subsection. Prevailing rates positions.

3. (1) In the absence of the deputy head or if there is no deputy head, the assistant deputy head or, in the absence of the assistant deputy head or if there is no assistant deputy head, the person designated by the person who under the *Financial Administration Act* is the appropriate Minister with respect to the department, or such other person as may be designated by the Governor in Council, has and may exercise the powers, duties and functions of the deputy head. Acting deputy head.

(2) The deputy head may authorize any person employed in his department to exercise any of the powers, functions or duties of the deputy head under this Act. Delegation by deputy head.

PART I.

CIVIL SERVICE COMMISSION.

Commission Established.

Commission established.

4. (1) There shall be a Commission to be called the Civil Service Commission, consisting of a Chairman and two additional members to be appointed by the Governor in Council.

Tenure.

(2) Subject to this section, a commissioner holds office during good behaviour for a period of ten years, but may be removed at any time by the Governor in Council upon address of the Senate and House of Commons.

Re-appointment.

(3) A commissioner is on the expiration of his first or a subsequent term of office eligible to be re-appointed for a further term not exceeding ten years.

Termination and extension.

(4) A commissioner ceases to hold office upon attaining the age of sixty-five years, except that where the Governor in Council is of opinion that it would be in the public interest to extend the term of office of a commissioner beyond that age, he may, on the recommendation of the Prime Minister, extend the term of office beyond the age of sixty-five years for one period not exceeding five years.

Rank.

(5) The rank and standing of each commissioner is that of a deputy head of a department.

Salaries.

(6) There shall be paid to each commissioner out of the Consolidated Revenue Fund such salary as may be fixed by the Governor in Council.

Other employment prohibited.

(7) A commissioner shall not hold any other office in the public service or engage in any other employment.

Oath of office.

(8) Each commissioner shall, before entering upon the duties of his office, take and subscribe before the Clerk of the Privy Council, the oath in Schedule A.

Chairman.

5. (1) The Chairman is the chief executive officer of the Commission.

Department and deputy head.

(2) For the purposes of this Act, the Commission and the staff of the Commission constitute a department and the Chairman is the deputy head in relation thereto.

Acting Chairman.

(3) The Governor in Council may authorize any commissioner to act as Chairman for the time being in the event that the Chairman is absent or unable to act or if the office is vacant.

Quorum.

(4) A majority of the commissioners constitutes a quorum of the Commission.

Vacancy.

(5) A vacancy in the membership of the Commission does not impair the right of the remainder to act.

Place of business.

(6) The Commission may sit at such times and places as it considers necessary or desirable for the proper conduct of its business.

General Powers and Duties of Commission.

6. The Commission shall

- (a) appoint qualified persons to the civil service in accordance with the provisions and principles of this Act;
- (b) report to the Governor in Council upon such matters arising out of or relating to the administration or operation of this Act and the regulations as the Commission considers desirable and, at the request of the Governor in Council, upon any matter pertaining to organization and employment in the public service;
- (c) at the request of a deputy head, report upon any matter pertaining to organization and employment in the department;
- (d) obtain the assistance of competent persons to assist the Commission in the performance of its duties;
- (e) operate and assist departments in operating staff development training programmes; and
- (f) perform such other duties and functions with reference to the public service as are assigned to it by the Governor in Council.

Powers and duties.

Consultation with Staff Organizations.

7. (1) The Minister of Finance or such members of the public service as he may designate shall from time to time consult with representatives of appropriate organizations and associations of employees with respect to remuneration, at the request of such representatives or whenever in the opinion of the Minister of Finance such consultation is necessary or desirable.

Consultation with staff organizations by Minister.

(2) The Commission and such members of the public service as the Minister of Finance may designate shall from time to time consult with representatives of appropriate organizations and associations of employees with respect to the terms and conditions of employment referred to in subsection (1) of section 68, at the request of such representatives or whenever in the opinion of the Commission and the Minister of Finance such consultation is necessary or desirable.

By Commission and Minister.

(3) The Commission shall from time to time consult with representatives of appropriate organizations and associations of employees with respect to such terms and conditions of employment as come within the exclusive jurisdiction of the Commission under this Act and the regulations, at the request of such representatives or whenever in the opinion of the Commission such consultation is necessary or desirable.

By Commission.

Records and Inquiries.

Access to records, assistance, etc.

8. (1) Deputy heads and employees shall give the Commission such access to their respective departments and offices and such facilities, assistance and information as the Commission may require for the performance of its duties.

Inquiries.

(2) In connection with, and for the purposes of, any investigation or report, the Commission or any commissioner holding an investigation has all the powers of a commissioner appointed under Part II of the *Inquiries Act* and for the purposes of that Part shall be deemed to have been appointed under that Part.

PART II.

ORGANIZATION OF THE CIVIL SERVICE.

Classification.

Classes.

9. (1) The Commission shall divide the civil service into classes of employment and shall classify each position therein.

Grades.

(2) The Commission may subdivide each class into two or more grades, but where a class is not so subdivided it shall for the purposes of this section constitute a grade.

Standards.

(3) The Commission shall define each grade by reference to standards of duties, responsibilities and qualifications, and shall give it an appropriate title.

Content of grade.

(4) Each grade shall embrace all positions in a class having similar duties and responsibilities and requiring similar qualifications of persons appointed to a position in the grade.

Amendments.

(5) The Commission may divide, combine, alter or abolish any classes or grades, but no alteration in the establishment of a department shall be effected by anything done under this subsection without the approval of the Governor in Council.

Classification titles, when to be used.

(6) The title of each grade shall be observed in all records of the Commission, the Auditor General and the Treasury Board, and in all departmental estimates and parliamentary returns and appropriations, but need not be used for other purposes.

Pay and Allowances.

Recommendations on pay rates.

10. (1) The Commission shall keep under review the rates of remuneration to employees and shall whenever it considers it desirable or whenever requested by the Governor in Council make recommendations with regard thereto to the Governor in Council.

Considerations.

(2) The Commission in making recommendations on remuneration shall consider the requirements of the civil

service, and shall also take into account the rates of pay and other terms and conditions of employment prevailing in Canada for similar work outside the civil service, the relationship of the duties of the various classes within the civil service and any other considerations that the Commission considers to be in the public interest.

(3) Prior to formulating any recommendations under this section the Commission shall from time to time as may be necessary consult with representatives of appropriate organizations and associations of employees with respect to the matters specified in this section.

Consultation with staff organizations.

11. The Governor in Council, after the Commission has had an opportunity of considering the matter and after considering any recommendations made by the Commission, shall

Governor in Council to fix.

- (a) establish rates of pay for each grade; and
- (b) establish the allowances that may be paid in addition to pay.

12. The rates of pay for grades shall consist of minimum rates, maximum rates and one or more intermediate rates, or such other rates as may in any special cases be appropriate.

Form of rates.

13. Where an employee is required to perform for a temporary period the duties of a higher position than the one held by him, the Commission may in accordance with the regulations authorize the payment to him of acting pay during such temporary period; and during the time that the employee is being paid acting pay he has and may exercise the power and authority of the person holding the higher position.

Acting pay.

14. (1) Unless authorized by or under this Act or any other Act of Parliament, no payment additional to the remuneration authorized by law shall be made to any employee in respect of any service rendered by him.

No extra remuneration.

(2) Nothing in this section shall be construed to prohibit

Exceptions.

- (a) payment to an employee of remuneration in respect of each of two or more positions, if the remuneration in respect of one position is not sufficient to compensate him for his whole time and the total remuneration of the employee does not in the opinion of the Commission exceed reasonable remuneration for the duties performed; or
- (b) payment to an employee who is on leave of absence from his position and is performing other duties, of such amount or at such rate as the Governor in Council may fix.

(3) Paragraph (b) of subsection (2) applies to an employee performing duties in the office of the person holding the recognized position of Leader of the Opposition in the House

Leader of the Opposition.

of Commons as it applies to an employee performing duties in the office of a Minister.

Establishments.

Organization
of
departments.

15. When a department or a branch or division of a department is constituted, the deputy head shall prepare a statement showing

- (a) the number of employees required for the proper conduct of the business of the department;
- (b) the duties and responsibilities of each employee and the qualifications desired; and
- (c) a plan of organization showing the proposed branches or divisions of the department and the relationship between the persons to be employed therein.

Classifi-
cation.

16. (1) The deputy head shall refer the statement prepared under section 15 to the Commission and the Commission shall classify the position of each proposed employee.

Establish-
ments.

(2) The deputy head shall prepare a list of proposed positions showing the class and grade of each position and the title of each grade and, when approved by the Governor in Council, the positions constitute the establishment for the department.

Pay.

(3) The rate of pay applicable to a position as described on an establishment is the rate established by the Governor in Council for the class and grade within which the position is included.

Classification
of new
positions.

17. (1) When a deputy head is of the opinion that the proper functioning of the department requires the addition of a position to the establishment of the department, he may submit to the Commission a description of the proposed position setting forth

- (a) the duties to be performed,
- (b) the responsibilities to be assumed, and
- (c) the qualifications desired,

and the Commission shall classify the position.

Addition of
position by
deputy
head.

(2) Subject to any limitation or direction of a special or general character imposed by the Governor in Council, the deputy head may issue a certificate in a form prescribed by the Governor in Council setting forth the classification of a position by the Commission pursuant to subsection (1) and the day on which the position is added to the establishment of the department, and thereupon the establishment shall be deemed to be amended accordingly.

By Governor
in Council.

(3) Notwithstanding anything in this section, the Governor in Council may add to the establishment of a department a position classified by the Commission under subsection (1).

Abolition of
position.

(4) A deputy head may by the issue of a certificate in a form prescribed by the Governor in Council abolish any vacant position on the establishment of the department.

18. The deputy head shall forthwith send to the Treasury Board and the Commission a copy of every certificate issued by him under section 17.

Report to
Treasury
Board.

19. (1) The Governor in Council may from time to time review the establishments of departments and may, after considering the recommendations or representations of the deputy head, delete positions from or add positions to the establishment of the department.

Establish-
ment
review.

(2) For the purposes of this section, the deputy head shall submit to the Governor in Council a plan of organization and such further information or material as the Governor in Council may require.

Plan of
organization.

PART III.

APPOINTMENT.

Authority to Appoint.

20. (1) Except as otherwise provided in this Act or the regulations, the Commission has the exclusive right and authority to appoint persons to positions in the civil service.

Exclusive
right to
appoint.

(2) When a position on the establishment of a department is vacant, the Commission shall fill the position at the request of the deputy head.

Appoint-
ment.

(3) A position may be filled by an appointment under the provisions of this Act

Methods of
filling
positions.

(a) to that position;

(b) to a lower position in the same class; or

(c) to an alternate position as provided in subsection (5).

(4) Where a vacant position is filled by the appointment to a lower position in the same class, the lower position shall be deemed to be substituted for the vacant position on the establishment during the time that there is an incumbent in the lower position.

To lower
position.

(5) Where there is a vacant position on the establishment of a department and it is desired to make an appointment to an alternate position not on the establishment

To
alternate
position.

(a) the deputy head may, without abolishing the vacant position, add the alternate position to the establishment in accordance with the provisions of section 17 if the alternate position is not higher than the vacant position; and

(b) the Commission may make an appointment to the alternate position, but there shall not be incumbents of both positions at the same time.

21. Whenever in the opinion of the Commission it is possible to do so and it is in the best interests of the civil service, appointments shall be made from within the public service by competition.

Appoint-
ments to be
by competi-
tion within
public
service.

Appoint-
ments from
within public
service.

22. Where, in the opinion of the Commission, after considering any recommendations of the deputy head, it is impractical or not in the best interests of the civil service to make an appointment from within the public service by competition, the Commission may, without competition, appoint the person from within the public service who in the opinion of the Commission is best qualified.

When
appoint-
ments from
outside
public service
authorized.

23. Where, in the opinion of the Commission, a suitable appointment cannot be made from within the public service the appointment may be made in accordance with this Act from outside the public service.

Appointment
by deputy.

24. (1) Where by reason of any emergency the immediate appointment of an employee is necessary, the deputy head or some person authorized by him may, notwithstanding anything in this Act and whether or not there is a vacant position on the establishment, make the appointment for one period not exceeding two months if the duties are required to be performed in Canada and for one period not exceeding three months if the duties are required to be performed outside Canada.

Report.

(2) The deputy head shall forthwith notify the Commission and the Treasury Board of any appointment made by him under this section.

Remunera-
tion.

(3) The remuneration that may be paid to persons appointed under the authority of subsection (1) shall be the remuneration established by the Governor in Council for the class and grade within which a position having comparable duties and responsibilities is included or such higher rate as may be fixed by the Governor in Council, or, where there is no such position, the remuneration established by the Governor in Council.

Special
cases.

25. Where the Commission is of the opinion that a competition is not practical or is not in the public interest because

- (a) an appointment to a position is urgently required,
- (b) the availability of suitable candidates for a position is limited, or
- (c) a person having special skill or knowledge is required for a position involving duties of an exceptional character,

the Commission may make an appointment to that position without competition.

Probation.

26. (1) Where an appointment is made from within the public service the probation period specified by section 48 shall be reduced to six months and the deputy head may, if he considers it appropriate in any case, further reduce or waive the probationary period.

(2) If the deputy head reduces or waives the probationary period in any case he shall forthwith give notice thereof to the employee and to the Commission. Notice.

27. Where a person is about to be transferred or promoted to a position in the civil service, Transfers and promotions.

(a) if the selection of the person for transfer or promotion was made by closed competition, the unsuccessful candidates, and

(b) if the selection of the person for transfer or promotion was made without competition, the persons whose opportunity for promotion has thereby been prejudicially affected, as prescribed by the regulations,

shall, before the transfer or promotion becomes effective, be given an opportunity of appealing to the Commission, and the Commission shall reconsider the matter and shall confirm or rescind the transfer or promotion as it sees fit.

28. Notwithstanding anything in this Act, a person who is employed in the public service but not in the civil service shall not be appointed to a position in the civil service without competition unless Appointments within public service but outside civil service.

(a) he is appointed under section 24 or 25; or

(b) he has been employed in the public service for at least three years.

29. Nothing in this Act shall be construed to limit or affect the right or authority of Her Majesty to appoint Diplomatic appointments.

(a) Ambassadors,

(b) Ministers,

(c) High Commissioners, or

(d) Consuls General of Canada,

to any other country, or other persons to represent Canada in another country.

Eligible Lists.

30. Where an appointment by the Commission is to be made to a position by competition, the appointment shall be made from an eligible list established for that position or for the class or grade in which that position is included. Appointments to be from eligible lists.

31. (1) The Commission may establish an eligible list Establishment of eligible lists.

(a) in order to make an appointment to a particular position that is vacant or is about to become vacant; or

(b) in order to make appointments to positions of a grade or class as they become vacant.

(2) A list described in paragraph (a) of subsection (1) shall be known as a special eligible list, and a list described in paragraph (b) of that subsection shall be known as a general eligible list. Designation of lists.

Established
after
competition.

32. An eligible list may be established only after a competition has been conducted by the Commission.

Qualifica-
tions.

33. The Commission may in relation to any position or any class or grade prescribe qualifications as to age, residence or any other matters that in the opinion of the Commission are necessary or desirable having regard to the nature of the duties to be performed, but in so doing the Commission shall not discriminate against any person by reason of race, national origin, colour or religion.

Area of
competition.

34. Before conducting a competition the Commission shall

(a) in the case of a closed competition, determine the division or branch of the public service, and the class or grade of position, if any, in which prospective candidates must be employed in order to be eligible for appointment; and

(b) in the case of an open competition, determine the area in which applicants must reside in order to be eligible for appointment.

Appoint-
ments to
local office.

35. Where the duties of a position are to be performed in a local office, the Commission in making an appointment to that position from outside the public service shall, whenever it is practical and in the best interests of the civil service to do so, give preference in appointment to qualified candidates who reside in the area served by the local office over qualified candidates who do not so reside.

Notice.

36. The Commission shall give such notice in the English or French language, or both, of a proposed competition as in its opinion will give all eligible persons a reasonable opportunity of making an application.

Applications.

37. Applications shall be in such form and shall be made and verified in such manner as the Commission determines.

Considera-
tion of
applications.

38. (1) The Commission shall examine and consider all applications received within the time prescribed by it for the receipt of applications and, after considering such further material and conducting such examinations, tests, interviews and investigations as it considers necessary or desirable, shall select the candidates who are qualified for the position or positions in relation to which the competition is conducted, and shall place them in order of merit.

Option as to
language.

(2) An examination, test or interview under this section shall be conducted in the English or French language or both at the option of the candidate.

Veterans, etc.

(3) Where in the opinion of the Commission there are sufficient qualified applicants

(a) coming within paragraphs (a) and (b) of subsection (1) of section 40, or

(b) coming within paragraphs (a), (b) and (c) of subsection (1) of section 40

to enable the Commission to prepare an eligible list in accordance with section 42, the Commission may confine its selection of qualified candidates under subsection (1) of this section to those applicants.

39. The Commission may authorize a deputy head to exercise and perform any of the powers or functions of the Commission under this Act in relation to the selection of candidates for a position.

Delegation
to deputy
head.

40. (1) In the case of an open competition the Commission shall, after complying with section 38 and after making such further investigations as it considers necessary, prepare a list of candidates in accordance with the following principles:

Order of
preferences.

(a) those who are in receipt of a pension

(i) by reason of their service in World War I, or

(ii) by reason of their service only in World War II, and who at the commencement of such service were domiciled in Canada or Newfoundland,

who have from causes attributable to such service lost capacity for physical exertion to an extent that makes them unfit to pursue efficiently the vocations that they were pursuing before the war, and who have not been successfully re-established in some other vocation, shall be placed, in order of merit, ahead of other successful candidates;

(b) those who are veterans and who do not come within the provisions of paragraph (a), or who are widows of veterans, shall be placed, in order of merit, on the list immediately following the candidates, if any, mentioned in paragraph (a);

(c) Canadian citizens not coming within paragraph (a) or (b) shall be placed in order of merit after any candidates coming within either of those paragraphs; and

(d) persons not coming within paragraph (a), (b) or (c) shall be placed in order of merit after any candidates coming within any of those paragraphs.

(2) The provisions of any statute or regulations prescribing the age limit and physical requirements with respect to any appointment in the civil service do not apply to a person mentioned in paragraph (a) or (b) of subsection (1), if the Commission certifies that he is of such an age and in such a satisfactory physical condition that he is then able to perform the duties of the position and will probably be able to continue to do so for a reasonable period after his appointment.

Application
of age
limits, etc. to
veterans, etc.

References in former Act.

(3) A reference in the *Veterans Benefit Act*, or in any other Act or regulation, to section 28 or 29 of the *Civil Service Act*, chapter 48 of the Revised Statutes of Canada, 1952, or any of the provisions thereof, shall be construed as a reference to the corresponding provisions of this section.

Revenue post-masters.

(4) This section applies to the selection and appointment of any person mentioned in subparagraph (v) of paragraph (b) of subsection (1) of section 2.

Definitions.

41. (1) For the purposes of section 40 and this section

“Member of the Women’s Royal Naval Services.”

(a) “member of the Women’s Royal Naval Services” means a person who

- (i) enrolled in the Women’s Royal Naval Service,
- (ii) enrolled in Queen Alexandra’s Royal Naval Nursing Service or the reserve therefor, or
- (iii) enrolled as a medical or dental practitioner employed with the Medical Branch or Dental Branch of the Royal Navy with naval status for general service;

“Veteran.”

(b) “veteran” means a person who

- (i) during World War I was on active service overseas in the naval, army or air forces or who served on the high seas in a seagoing ship of war in the naval forces of His Majesty or of any of the Allies of His Majesty, and who has left such service with an honourable record or has been honourably discharged,
- (ii) during World War II was on active service
 - (A) in the naval, army or air forces of His Majesty or any of His Majesty’s Allies and at the commencement of his active service was domiciled in Canada or Newfoundland, or
 - (B) in the naval, army or air forces of Canada, and, not being domiciled in Canada at the commencement of his active service, is a Canadian citizen,
 and who, in the course of such service, performed duties outside of the Western Hemisphere, or on the high seas in a ship or other vessel service that was, at the time he performed those duties, classed as “sea time” for the purpose of the advancement of naval ratings, or that would have been so classed had the ship or other vessel been in the service of the naval forces of Canada,
- (iii) during World War II served as a member of the Women’s Royal Naval Services or as a member of the South African Military Nursing Service outside of the Western Hemisphere and who, at the commencement of her service during World War II, was domiciled in Canada or Newfoundland,

(iv) has been certified by the Under Secretary of State for External Affairs as having been enrolled in Canada or Newfoundland by United Kingdom authorities for special duty during World War II in war areas outside of the Western Hemisphere, and who served outside of the Western Hemisphere, and at the time of his enrolment was domiciled in Canada or Newfoundland, or

(v) during World War II served outside of the Western Hemisphere with the naval, army or air forces of His Majesty raised in Canada or Newfoundland as a representative of Canadian Legion War Services Inc., the National Council of the Young Men's Christian Associations of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services, and who was authorized so to serve by the appropriate naval, army or air force authority and who, at the commencement of his service with those forces during World War II, was domiciled in Canada or Newfoundland,

but, notwithstanding anything in this paragraph, does not include a person who

(vi) served outside of the Western Hemisphere or on the high seas only in that he was a passenger in an aircraft, ship or other vessel, or only in that he underwent a limited period of training in an aircraft, ship or other vessel incidental to a programme of instruction, or

(vii) by reason of his misconduct, since the 10th day of September, 1939, ceased to serve in the naval, army or air forces of His Majesty or of any of His Majesty's Allies, or to be a member of the Women's Royal Naval Services or the South African Military Nursing Service, or to be enrolled for the special duty mentioned in this paragraph or to serve with the forces as a representative of Canadian Legion War Services Inc., the National Council of the Young Men's Christian Associations of Canada, Knights of Columbus Canadian Army Huts, or Salvation Army Canadian War Services;

(c) "Western Hemisphere" means the continents of North and South America, the islands adjacent thereto and the territorial waters thereof, including Newfoundland, Bermuda and the West Indies, but excluding Greenland, Iceland and the Aleutian Islands;

"Western Hemisphere."

“Widow of a veteran.”

(d) “widow of a veteran” means the widow of a person who, being a veteran, died from causes arising during the service by virtue of which he became a veteran;

“World War I.”

(e) “World War I” means the war declared by His Majesty on the 4th day of August, 1914, against the Empire of Germany and subsequently, against other powers;

“World War II.”

(f) “World War II” means the war declared by His Majesty on the 10th day of September, 1939, against the German Reich and subsequently against Italy, Finland, Hungary, Rumania and Japan.

Termination dates.

- (2) For the purpose of determining whether a person is a veteran, World War II shall be deemed to have terminated
- (a) in respect of service in connection with operations in the European and Mediterranean Theatres of War, on the 8th day of May, 1945; and
 - (b) in respect of service in connection with operations in the Pacific Theatre of War, on the 15th day of August, 1945.

Eligible lists.

42. From the list of qualified candidates the Commission shall prepare a list, to be known as the eligible list, which shall include the highest ranking candidates and shall, wherever possible, include a number of names sufficient in the opinion of the Commission

- (a) in the case of a special eligible list, to provide for the filling of the position; and
- (b) in the case of a general eligible list, to provide for the filling for a period of one year of the positions that are likely to become vacant in the grade or class in relation to which the list was established.

Publication.

43. (1) The Commission shall publish each eligible list established in the case of an open competition in the *Canada Gazette* within thirty days after the list is established.

Duration.

(2) An eligible list is valid for a period of one year from the effective date thereof as established by the Commission.

Extension.

(3) The Commission may extend the period of validity of an eligible list by one or more extensions, but the total extensions shall not exceed one year in the aggregate.

Deletion of names.

44. The Commission may delete the name of a candidate from an eligible list if he has indicated to the satisfaction of the Commission that he is unwilling or unable to accept the appointment.

Appointments.

45. (1) Where a special eligible list has been established, the person standing highest on the list who is willing to accept the appointment shall be appointed to the position. Appoint-ments from list.

(2) Where a general eligible list has been established, the person standing highest on the list who is willing to accept the appointment shall be appointed to the first position in the class or grade for which the list was established that becomes vacant after the list was established or after the previous appointment from that list, except that where in the opinion of the Commission any special qualifications are required for the vacant position not applicable to all the positions in the class or grade, the persons on the list not possessing those qualifications are not eligible to be appointed to that position. Idem.

46. Where a general eligible list established for a grade is exhausted, an appointment to a position in that grade may be made from an eligible list established for a higher grade of the same class. Where list exhausted.

47. The number of employees appointed to serve in any department or in any local office of a department who are qualified in the knowledge and use of the English or French language or both shall, in the opinion of the Commission, be sufficient to enable the department or local office to perform its functions adequately and to give effective service to the public. Language.

48. (1) An employee shall be considered to be on probation for a period of one year after he has taken up the duties of his position, or such longer period as the Commission may establish for any class or grade of position. Probationary period.

(2) The Commission may, on the recommendation of the deputy head, extend the probationary period of an employee, but the period of the extension shall not exceed the period specified in or established in relation to that position under subsection (1). Extension.

49. (1) The deputy head may at any time during the probationary period reject the employee for cause, and if the deputy head rejects an employee he shall furnish to the Commission his reasons therefor. Rejection.

(2) An employee who has been rejected under this section ceases to be an employee, but any such employee may be declared by the Commission to be a lay-off if in the opinion of the Commission the circumstances of the case so warrant. Effect of rejection.

PART IV.

TERMS AND CONDITIONS OF EMPLOYMENT.

Tenure.

Tenure of office.

50. (1) The tenure of office of an employee is during the pleasure of Her Majesty, subject to the provisions of this and any other Act and the regulations thereunder, and, unless some other period of employment is specified, for an indeterminate period.

Saving.

(2) Nothing in this Act shall be construed to limit or affect the right or power of the Governor in Council to remove or dismiss any employee.

Term appointments.

51. An employee who is appointed to a position in the civil service for a specified period ceases to be an employee at the expiration of that period.

Resignation.

52. (1) An employee may resign his position in the civil service by giving to the deputy head two weeks' notice in writing of his intention to resign his position.

Acceptance and withdrawal.

(2) A resignation is completed when it is accepted in writing by the deputy head, but it may, by an appropriate notice in writing and with the approval of the deputy head, be withdrawn at any time before the effective date thereof, if no person has been appointed or selected for appointment to the position to be vacated by the resignation.

Abandonment.

53. An employee who is absent from duty without leave for a period of one week or such longer period as may be prescribed by the regulations may by an appropriate instrument in writing be declared by the deputy head to have abandoned his position, and thereupon the position becomes vacant and the employee ceases to be an employee.

Lay-Offs.

Laying off employees.

54. (1) Where the duties of a position held by an employee are no longer required to be performed, the deputy head may lay off the employee and he thereupon ceases to be an employee.

Re-appointment.

(2) Notwithstanding anything in this Act, the Commission may without competition appoint a lay-off to any position in the civil service for which he is qualified having the same or lower maximum rates of pay as the position held by him at the time he was laid off.

(3) A lay-off is entitled for a period of twelve months, or such longer period not exceeding two years as the Commission may determine, after he was laid off to enter any competition for which he would have been eligible had he not been laid off. Competitions.

(4) Notwithstanding anything in this Act, a lay-off shall be considered for appointment to a position for which he is qualified, having the same or lower maximum rates of pay as the position held by him at the time he was laid off, in priority to all other qualified persons and in priority to all other persons who became lay-offs at a later time. To be considered for appointment.

(5) A person ceases to be a lay-off if he is appointed to or if, except for reasons that in the opinion of the Commission are sufficient, he declines an appointment to a position in the public service with the same or higher maximum rates of pay. Termination of lay-off status.

55. (1) Where two or more persons employed in positions of the same grade in any unit of a department are to be laid off, or where one person is to be laid off and there are other persons holding positions of the same grade in the same unit of the department, the Commission shall, after considering such material and conducting such examinations, tests, interviews and investigations as it considers necessary, list the persons holding positions of the same grade in order of merit as in subsection (1) of section 38 and such persons shall be laid off in order beginning with the person lowest on the list. Order of laying off.

(2) For the purposes of this section the expression "unit of a department" means the department or some branch or division thereof as prescribed by the Commission. "Unit of a department" defined.

Demotion and Suspension.

56. (1) Where an employee, in the opinion of the deputy head, has been guilty of misconduct or incompetence, the deputy head Misconduct.

(a) may recommend to the Commission that the employee be demoted

- (i) by reduction in his pay, but not lower than the minimum pay for his position,
- (ii) by appointment to a position in a lower grade in the class of his position, or
- (iii) by appointment to another position with a lower maximum rate of pay, and

(b) may by an appropriate notice in writing suspend the employee for a period not exceeding six months.

(2) The deputy head shall give an employee notice in writing of a decision to recommend that the employee be demoted. Notice.

Right to appeal.

(3) Within the two weeks after receiving a notice under subsection (2), or within two weeks after receiving notice of a suspension under this section, the employee may appeal to the Commission against the decision of the deputy head.

If no appeal.

(4) If no appeal is taken to the Commission against a decision to recommend demotion, the Commission shall demote in accordance with the recommendation of the deputy head.

If appeal.

(5) If an appeal is taken to the Commission under this section, the Commission shall

(a) if the appeal is against a recommendation to demote, take such action with regard to the recommendation as it sees fit, and

(b) if the appeal is against a suspension,

(i) confirm the suspension,

(ii) reduce the period of the suspension, or

(iii) revoke the suspension as of the day it was imposed, as it sees fit.

Demotion.

(6) A demotion under this section may be for a fixed period.

Re-instatement.

(7) The Commission may at any time, on the recommendation of the deputy head, re-instate a demoted employee.

Suspension.

57. In any case where

(a) it is alleged that an employee has been guilty of misconduct or incompetence and the deputy head considers it desirable to investigate the allegation, or

(b) criminal proceedings against an employee are pending,

the deputy head may by an appropriate notice in writing suspend the employee for a period not exceeding six months.

Notice of suspension.

58. (1) If a deputy head suspends an employee he shall forthwith give notice thereof to the Commission.

No remuneration during suspension.

(2) An employee is not entitled to any remuneration in respect of any period during which he is under suspension.

Termination.

(3) The deputy head may at any time terminate a suspension.

Suspension pending inquiry.

59. (1) This section applies when an employee is suspended under section 57.

Extension.

(2) The Commission may on the application of the deputy head extend the suspension, but not for more than six additional months at any one time.

Proceedings upon completion of inquiry.

(3) Upon completion of the investigation or proceedings, as the case may be, the deputy head shall

- (a) if as the result of the investigation or proceedings he is satisfied that the employee has been guilty of misconduct or incompetence
 - (i) recommend the dismissal or demotion of the employee, or
 - (ii) suspend the employee for a further period not exceeding six months; or
- (b) if as the result of the investigation or proceedings he is not satisfied that the employee has been guilty of misconduct or incompetence, rescind the suspension retroactively to the time it was first imposed.
- (4) Where under this section the deputy head suspends an employee or decides to recommend demotion, the provisions of section 56 apply, and where under this section the deputy head decides to recommend dismissal, the provisions of section 60 apply. Application of ss. 56 and 60.

Dismissals.

- 60.** (1) Where the deputy head has decided to recommend that an employee be dismissed, he shall give the employee notice in writing of his decision. Notice of dismissal recommendation.
- (2) Within two weeks after receiving a notice under subsection (1) the employee may appeal to the Commission against the decision of the deputy head. Right to appeal.
- (3) If no appeal is taken to the Commission against a decision to recommend dismissal, the deputy head may so recommend. If no appeal.
- (4) If an appeal is taken to the Commission under this section, the Commission shall make a full report of the matter to the deputy head, and if the deputy head recommends dismissal he shall transmit with his recommendation the report and recommendation of the Commission. If appeal.
- (5) The Governor in Council may dismiss an employee pursuant to a recommendation under this section. Dismissal.

Political Partisanship.

- 61.** (1) No deputy head or employee shall
 - (a) engage in partisan work in connection with any election for the election of a member of the House of Commons, a member of the legislature of a province or a member of the Council of the Yukon Territory or the Northwest Territories; or
 - (b) contribute, receive or in any way deal with any money for the funds of any political party.
- (2) Every person who violates subsection (1) is liable to be dismissed. Violation.

Inquiry
before
dismissal.

(3) No person shall be dismissed for a violation of subsection (1) unless the alleged violation has been the subject of an inquiry at which that person has been given an opportunity of being heard, personally and through his representative.

Holidays.

Holidays.

62. (1) The following days are holidays for the civil service:

(a) New Year's Day;

(b) Good Friday;

(c) Easter Monday;

(d) the day fixed by proclamation of the Governor in Council for the celebration of the birthday of the Sovereign;

(e) Dominion Day;

(f) Labour Day;

(g) Remembrance Day;

(h) Christmas Day; and

(i) the day fixed by proclamation of the Governor in Council as a general day of thanksgiving;

and any other day fixed by proclamation of the Governor in Council as a holiday for all or any part of the civil service is a holiday for the civil service or for that part of the civil service, as the case may be.

When
holiday falls
on day of
rest.

(2) The Governor in Council may make regulations providing for the grant of leave of absence to employees where a holiday specified in subsection (1) falls on a day when they are not required to perform the duties of their positions.

Leave of Absence.

Annual
leave.

63. (1) Subject to this section, every employee, except one who is on retiring leave or on leave of absence without pay, is entitled to annual vacation leave, that is to say, leave of absence with pay for three weeks in respect of each fiscal year.

In respect of
first year.

(2) The vacation leave to which an employee is entitled in respect of the fiscal year in which he was appointed is such period as may be prescribed by the regulations.

Minimum
service.

(3) No employee shall be granted vacation leave unless he has been employed in the civil service for at least six months.

Times for
taking leave.

(4) Annual vacation leave shall be taken at such times as the deputy head may specify and, subject to the regulations, shall be granted during the fiscal year in respect of which it was earned or during the next following fiscal year.

64. (1) Where an employee has been granted leave of absence for a period in excess of two months, the Commission may appoint another person to that employee's position and, in that event, the employee ceases to be the incumbent of that position but during the remaining period for which he was granted leave of absence he shall, subject to this section, be deemed to be the incumbent of an equivalent position on the establishment.

Re-appoint-
ment during
extended
leave.

(2) An employee who by subsection (1) is deemed to be the incumbent of an equivalent position is not entitled to any remuneration in respect of that position unless he was, in accordance with the regulations, granted leave of absence with pay.

Remunera-
tion.

(3) Where an employee is on leave of absence and another person is appointed to his position under subsection (1), the Commission shall, during or after the expiration of the period of leave, appoint the employee without competition to another position in the civil service for which he is qualified.

Appoint-
ment to
another
position.

Pay.

65. (1) Subject to this section, the rate of pay of a person appointed to a position in the civil service shall be the minimum rate for the grade of that position.

Rate of pay
on appoint-
ment.

(2) Where a lay-off or a person holding a position in the public service is appointed to a position in the civil service his rate of pay upon appointment shall be the minimum rate or other rate as prescribed by the regulations.

Idem.

(3) The Commission may, with the approval of the Governor in Council, make an appointment to a position or to positions in a class at a rate of pay higher than the minimum rate applicable to that position or class.

Appoint-
ments at
higher than
minimum
rate.

(4) Subject to this Act, an employee is entitled to be paid for services rendered the remuneration applicable to the position held by him.

Right to
remunera-
tion.

66. Every deputy head and employee shall, before any remuneration is paid to him, take and subscribe the oath of allegiance and the oath set out in Schedule B.

Oath of
office and
allegiance.

Increases.

67. (1) Subject to this section, an employee holding a position for which there is a minimum and a maximum rate of pay shall be granted increases in pay until he reaches the maximum rate for the position.

Increases.

(2) Increases become due on such days as are determined in accordance with the regulations.

Due date.

(3) An increase shall be to the rate in the scale of rates established for the position next higher than the rate at which the employee is being paid.

Amount of
increase.

Denial of
increase.

(4) An increase shall not be granted to an employee if the deputy head, before the due date, certifies to the Commission that the employee is not performing the duties of his position satisfactorily.

Employees
on leave.

(5) This section applies to an employee who is on leave of absence with pay.

Notice of
denial;
right to
appeal.

(6) If a deputy head intends to issue a certificate as described in subsection (4) with respect to an employee, he shall, at least two weeks and not more than six weeks before the due date for the increase to the employee, give the employee notice of his intention to do so and the employee may within two weeks of receiving the notice appeal to the Commission.

Disposition
of appeal.

(7) Where an appeal is made to the Commission under this section, the Commission shall direct that the increase be granted or denied, as it sees fit.

Where
employee
absent
without pay.

(8) This section does not apply to an employee who is on leave of absence without pay except in circumstances and under conditions prescribed by the regulations.

PART V.

GENERAL.

Regulations.

Regulations.

68. (1) The Governor in Council, on the recommendation of the Commission, may make regulations for carrying the purposes and provisions of this Act into effect, and without restricting the generality of the foregoing, may make regulations

- (a) providing for the grant of vacation leave in excess of three weeks in respect of any fiscal year in special circumstances, prescribing the vacation leave to which an employee is entitled in respect of the fiscal year in which he was appointed, and providing for the grant of vacation leave with the consent of the employee at a time other than as prescribed in section 63;
- (b) providing for the grant to an employee of retiring leave, that is to say, leave of absence with pay terminating with his retirement from the civil service, or the payment of a gratuity in lieu thereof;
- (c) providing for the grant of leave of absence, other than vacation leave or retiring leave, with or without pay;
- (d) for requiring employees by reason of special circumstances or the nature of their duties to perform the duties of their positions on any holiday, but any employee who is so required to perform the duties of his position on a holiday shall be granted another day of leave with pay, or shall be paid compensation for overtime in lieu thereof;

- (e) for regulating hours of work, attendance and other matters pertaining to the performance of duties;
- (f) authorizing the imposition of minor pecuniary penalties on employees for failure to comply with attendance requirements;
- (g) for authorizing the grant of leave of absence with pay for overtime, as defined by the regulations, or the payment of compensation in lieu thereof to the employee or his personal representative;
- (h) providing for the determination of due dates of pay increases and the manner in which alterations in rates of pay shall be implemented;
- (i) prescribing the circumstances and conditions under which pay increases may be granted to employees who are on leave of absence without pay;
- (j) prescribing the method of determining the rate of pay upon appointment where a lay-off or a person holding a position in the public service is appointed to a position in the civil service;
- (k) prescribing the period of absence from duty after which employees may be declared to have abandoned their positions;
- (l) prescribing the effective date of an appointment to the civil service and prescribing what shall constitute a resignation by an employee;
- (m) prescribing how positions or employees wholly or partly excluded under section 74 shall be dealt with;
- (n) providing for the payment of acting pay where an employee is required to perform for a temporary period the duties of a higher position and prescribing the amount of or method of determining such acting pay and the circumstances and conditions under which it may be paid;
- (o) providing for the selection, appointment, conditions of employment and remuneration of employees performing duties of a casual, part-time or seasonal nature, notwithstanding anything in this Act;
- (p) prescribing for the purposes of this Act what shall constitute a transfer or a promotion and the persons whose opportunity for promotion has been prejudicially affected thereby;
- (q) prescribing what shall constitute continuity of employment for the purposes of this Act;
- (r) for regulating the holding of offices or positions outside the civil service by persons employed in the civil service;
- (s) prescribing procedure on appeals, and prescribing the procedure for dealing with grievances, as defined in such regulations, arising out of the administration of this Act and of the regulations;

- (*t*) authorizing the Commission to revoke an appointment where it finds any irregularity in the appointment or in the competition in which the appointment was made; and
- (*u*) for any purpose for which regulations are by this Act authorized or required to be made.
- Limitation. (2) Nothing in subsection (1) shall be construed to authorize the making of regulations with respect to any of the matters set forth in section 69.
- Regulations by Governor in Council. **69.** The Governor in Council may make regulations
- (*a*) applying all or any of the provisions of this Act to all or any of the positions set forth in subparagraphs (*ii*) to (*v*) of paragraph (*b*) of subsection (1) of section 2;
- (*b*) imposing limitations and directions for the purposes of subsection (2) of section 17 and prescribing forms for the purposes of that section;
- (*c*) for ensuring and providing safe and suitable working conditions for employees; and
- (*d*) establishing the procedures under which the consultations authorized by section 7 shall be conducted.

Appeals.

- Appeals. **70.** (1) This section applies whenever under this Act or the regulations an appeal may be made to the Commission.
- Appeal Boards. (2) Where an appeal is made to the Commission, the Commission shall establish a Board consisting of three persons nominated by the Commission.
- Board to inquire. (3) The Board shall conduct an inquiry into the subject-matter of the appeal and shall give the employee who is appealing and the deputy head an opportunity of being heard, personally and through his representative.
- Powers. (4) The Governor in Council may authorize a Board established under this section to exercise the powers of commissioners under Part II of the *Inquiries Act* and, if so authorized, the Board shall, for the purposes of that Part, be deemed to be commissioners appointed under that Part.
- Report. (5) After conducting an inquiry under this section the Board shall make a report to the Commission and shall make a recommendation to the Commission on the disposition of the appeal.

Ministers' Staffs.

- Ministerial staffs. **71.** (1) A Minister may appoint his Executive Assistant and his Private Secretary, and other persons to be employed in the office of a Minister shall be appointed by the Governor in Council.

(2) A person who is employed in the office of a Minister ceases to be so employed when the person holding the position of such Minister ceases to hold that position, but

Rights on termination of employment.

(a) a person who was an employee immediately before he became employed in the office of a Minister shall, unless he is on leave of absence for that purpose, be deemed to be a lay-off, and for the purposes of section 54 his position at the time he so ceased to be employed in the office of a Minister shall be deemed to be the position held by him immediately before he became employed in the office of a Minister and his rate of pay shall be deemed to be the rate of pay that would have been applicable to him if he had not been appointed to a position in the office of a Minister; and

(b) a person who, during the time that he was employed in the office of a Minister qualified for a position in the civil service, shall be deemed to be a lay-off, and for the purposes of section 54 his position at the time he so ceased to be employed in the office of a Minister shall be deemed to be such other position in the civil service and his rate of pay shall be deemed to be the minimum rate of pay for that other position at the time he qualified for it.

(3) A person who, for at least three years, has held the position of Executive Assistant to a Minister or the position of Private Secretary to a Minister, is entitled to be appointed to a position in the civil service for which he is qualified, not being lower than the position of head clerk.

Executive Assistants and Private Secretaries.

(4) The time during which a person acted as Private Secretary or Executive Assistant to a Minister before the coming into force of this Act shall, for the purposes of subsection (3), be deemed to be time during which such person held the position of Private Secretary or Executive Assistant, as the case may be, to a Minister.

Prior service.

(5) This section applies to a person employed in the office of the person holding the recognized position of Leader of the Opposition in the House of Commons as it applies to a person employed in the office of a Minister.

Leader of the Opposition.

Parliamentary Staff.

72. (1) The Senate and House of Commons may, in the manner prescribed by subsections (2) and (3), apply any of the provisions of this Act to the officers, clerks and employees of both Houses of Parliament and of the Library of Parliament.

Parliamentary staff.

(2) Any action with respect to the officers, clerks and employees of the Senate or the House of Commons authorized or directed to be taken by the Senate or the House of

Action in relation to Senate or House of Commons.

Commons under subsection (1), or by the Governor in Council under any of the provisions of this Act made applicable to them under subsection (1), shall be taken by the Senate or the House of Commons, as the case may be, by resolution, or, if such action is required when Parliament is not sitting, by the Governor in Council, subject to ratification by the Senate or the House of Commons, as the case may be, at the next ensuing session.

Library of Parliament.

(3) Any action with respect to the officers, clerks and employees of the Library of Parliament and to such other officers, clerks and employees as are under the joint control of both Houses of Parliament authorized or directed to be taken by the Senate and House of Commons under subsection (1), or by the Governor in Council under any of the provisions of this Act made applicable to them under subsection (1), shall be taken by both Houses of Parliament by resolution, or, if such action is required when Parliament is not sitting, by the Governor in Council, subject to ratification by both Houses of Parliament at the next ensuing session.

Work during recess.

(4) Nothing in this Act shall be construed to curtail the privileges enjoyed by the officers, clerks and employees of the Senate, House of Commons or Library of Parliament with respect to rank and precedence, attendance, office hours or leave of absence, or with respect to engaging in such employment when Parliament is not sitting, as may entitle them to receive extra salary or remuneration.

Other Public Officials.

Appointment by Governor in Council.

73. The Governor in Council may appoint and fix the remuneration of

- (a) the Clerk of the Privy Council,
- (b) the Clerk of the Senate,
- (c) the Clerk of the House of Commons, and
- (d) the Secretary to the Governor General,

who shall be deputy heads for the purposes of this Act.

Exclusions.

Exclusion of persons and positions.

74. In any case where the Commission decides that it is not practicable nor in the public interest to apply this Act or any provision thereof to any position or employee, the Commission may, with the approval of the Governor in Council, exclude such position or employee in whole or in part from the operation of this Act; and the Commission may, with the approval of the Governor in Council, re-apply any of the provisions of this Act to any position or employee so excluded.

Oaths.

75. The Governor in Council may authorize any person to administer oaths and take and receive affidavits, declarations and affirmations for any of the purposes of this Act or the regulations.

Authority to administer oaths.

Report to Parliament.

76. (1) The Commission shall, within five months after the 31st day of December in each year, transmit to the member of the Queen's Privy Council for Canada designated by the Governor in Council for the purpose, a report and statement of the transactions and affairs of the Commission during that year, and the member so designated shall cause the report to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Annual report on operations under Act.

(2) The Commission shall transmit with its annual report to Parliament a report of the positions and persons excluded under section 74 in whole or in part from the operation of this Act and the reasons therefor, and the appointments made under section 25 during the year for which the report is made and the reasons therefor.

Additional information to be included.

(3) The Commission shall make a report to Parliament within thirty days of the beginning of each session setting forth the information specified in subsection (2) for the period commencing at the end of the year for which the latest report was made under subsection (2) and ending at the end of the month immediately preceding the month in which that session began.

Special report of exclusions.

Irregularities and Fraudulent Practices.

77. Where the Commission is satisfied that any irregularity or fraudulent practice has obtained at an examination held by it or by any person deputed by it, the Commission may summon before it by a summons, in the form of Schedule C, signed by the Chairman or by any one of the commissioners, and may examine under oath or affirmation any person who, in its opinion, is in a position to give evidence in relation to such irregularity or fraudulent practice.

Fraudulent practices at examination.

78. Where a person whose name is on an eligible list is proved upon any inquiry to have been concerned in any fraudulent practice, or to have been guilty of any breach of the regulations with respect to any examination held under the authority of this Act, the Commission may remove his name from the list.

Deletion from eligible list.

Personation.

79. Every person who, at any examination held under this Act, personates any candidate or employs, induces or allows any person to personate him or connives or assists at any personation, is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred dollars.

Illegally
obtaining
examination
papers.

80. Every person who surreptitiously procures from any printer or other person, and every person who, without authority, furnishes to any other person any examination question paper or any other paper relating to an examination held under this Act, is guilty of an offence and liable, on summary conviction, to imprisonment for a term not exceeding six months, or to a fine not exceeding five hundred dollars.

Application.

Application.

81. (1) This Act applies to all employees whether appointed before or after the coming into force of this Act.

Reference to
periods of
employ-
ment.

(2) A reference in any of the provisions of this Act to a period of employment shall be construed as including employment before as well as after the coming into force of this Act.

Transitional.

Establish-
ments
continued.

82. (1) The establishment of a department as it existed immediately before the coming into force of this Act is the establishment of the department for the purposes of this Act, subject to alteration as provided in this Act.

Classification
of civil
service
continued.

(2) The classification of the civil service at the coming into force of this Act shall continue to be the classification of the civil service for the purposes of this Act, subject to alteration as provided in this Act.

Employees
continued
in office.

(3) Every person who held a position in the civil service at the time this Act comes into force continues to hold that position after that time, subject to the provisions of this Act.

Prevailing
rates
employees.

(4) The persons to whom the *Prevailing Rate Employees General Regulations, 1960*, made under the *Financial Administration Act*, are applicable at the coming into force of this Act shall be deemed to be employed in prevailing rates positions, subject to the provisions of this Act relating to prevailing rates positions.

Definition of
"old Act."

83. (1) In this section "old Act" means the *Civil Service Act*, chapter 48 of the Revised Statutes of Canada, 1952.

(2) The persons who at the coming into force of this Act held office under the old Act as Chairman or commissioner of the Civil Service Commission shall be deemed to have been appointed Chairman or commissioner respectively under this Act, for the unexpired portions of the respective terms to which they were appointed under the old Act. Commissioners continued.

(3) Every person who at the coming into force of this Act is certified as a temporary employee under the old Act shall be deemed to be so certified for a period of six months after the coming into force of this Act, and if before the expiration of that period the deputy head certifies to the Commission that an employee holds a position of continuing indeterminate duration, that his work is satisfactory and that he is suitable for continuing employment, he shall be deemed to have been appointed under this Act to the position occupied by him at the coming into force of this Act for an indeterminate period. Temporaries.

(4) When an employee who is not a participant within the meaning of Part II of the *Public Service Superannuation Act* dies, after having been an employee for at least two years, an amount equal to his salary for two months shall be paid to his widow or to such person as the Treasury Board determines. Gratuity on death.

Repeal.

84. The *Civil Service Act*, chapter 48 of the Revised Statutes of Canada, 1952, is repealed. Repeal.

Coming into Force.

85. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council. Commencement.

SCHEDULE A.

OATH OF OFFICE OF COMMISSIONER.

I, do solemnly and sincerely swear that I will truly and faithfully, and to the best of my skill and knowledge, execute and perform the office of (Commissioner or Chairman as the case may be) of the Civil Service Commission. So help me God.

SCHEDULE B.

OATH OF OFFICE AND SECRECY.

I, (A.B.) solemnly and sincerely swear that I will faithfully and honestly fulfil the duties that devolve upon me by reason of my employment in the public service and that I will not, without due authority in that behalf, disclose or make known any matter that comes to my knowledge by reason of such employment. So help me God.

SCHEDULE C.

CIVIL SERVICE COMMISSION OF CANADA.

To

You are hereby required to appear before the Civil Service Commission at on the day of at o'clock in the noon to testify the truth according to your knowledge in a certain enquiry pending before the Civil Service Commission respecting

(The following words may be added if the production of any paper or document is required.)

and that you bring with you and then and there produce the following documents:—

DATED at this day of A.D.
Civil Service Commissioner.

9 - 10 ELIZABETH II.

CHAP. 58

An Act to authorize the Minister of Finance to make payments to the Governments of the Provinces and to authorize the Government of Canada to enter into tax collection agreements with the Governments of the Provinces

[Assented to 29th September, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as the *Federal-Provincial Fiscal Arrangements Act*. Short title.

INTERPRETATION.

2. (1) In this Act,
- | | |
|---|------------------------------------|
| (a) "fiscal year" means the period of twelve months commencing on the 1st day of April and ending on the 31st day of March next following; | Definitions.
"Fiscal year." |
| (b) "Minister" means the Minister of Finance; | "Minister." |
| (c) "natural resources revenues", as applied to a province for a fiscal year, means the natural resources revenues for the fiscal year as shown in the Table "Gross General Revenue" in the publication of the Dominion Bureau of Statistics entitled "Financial Statistics of Provincial Governments"; | "Natural resources revenues." |
| (d) "province" does not include the Northwest Territories or the Yukon Territory; | "Province." |
| (e) "standard corporation income tax", as applied to a province for a fiscal year, means the amount, as determined by the Minister, that would be derived from a tax on the income earned in the province by each corporation (other than a non-resident-owned investment corporation as defined in the | "Standard corporation income tax." |

Income Tax Act or a corporation specified in Schedule D to the *Financial Administration Act* that is an agent of Her Majesty in right of Canada) that maintained a permanent establishment in the province at any time during its taxation year, for the purposes of the *Income Tax Act*, ending in the calendar year that ends in the fiscal year, at the rate of nine per cent on its taxable income earned in the province in that taxation year, such tax to be computed as if imposed under the *Income Tax Act* and regulations thereunder;

“Standard estate tax.”

- (f) “standard estate tax”, as applied to a province for a fiscal year, means the amount, as determined by the Minister, that would be derived from a tax equal to fifty per cent of the total amount of estate tax payable pursuant to the *Estate Tax Act* in respect of
- (i) property situated in the province and included in the estates of persons dying in the fiscal year domiciled in the province,
 - (ii) property (other than real property) situated outside Canada passing to persons domiciled or resident in the province and included in the estates of persons dying in the fiscal year domiciled in the province, and
 - (iii) property situated in the province included in the estates of persons dying in the fiscal year domiciled outside the province;

“Standard individual income tax.”

- (g) “standard individual income tax”, as applied to a province for a fiscal year, means the amount, as determined by the Minister, that would be derived from a tax
- (i) on the incomes (other than incomes from businesses) of individuals resident in the province on the last day of the taxation year, within the meaning of the *Income Tax Act*, ending in the fiscal year,
 - (ii) on the incomes (other than incomes from businesses) earned in the province in that taxation year by individuals not resident in Canada at any time during that taxation year, within the meaning of the *Income Tax Act*, and
 - (iii) on the incomes from businesses earned in the province in that taxation year by individuals, within the meaning of the *Income Tax Act*, equal to
 - (iv) sixteen eighty-fourths, in respect of the taxation year ending in the fiscal year that ends in 1963,
 - (v) seventeen eighty-thirds, in respect of the taxation year ending in the fiscal year that ends in 1964,

- (vi) eighteen eighty-seconds, in respect of the taxation year ending in the fiscal year that ends in 1965,
 - (vii) nineteen eighty-firsts, in respect of the taxation year ending in the fiscal year that ends in 1966, and
 - (viii) twenty eightieths, in respect of the taxation year ending in the fiscal year that ends in 1967, of the total amount of tax payable under the *Income Tax Act* on those incomes, but not including the Old Age Security tax imposed by subsection (3) of section 10 of the *Old Age Security Act*;
 - (h) "standard taxes", as applied to a province for a fiscal year, means the aggregate of
 - (i) the standard individual income tax and the standard corporation income tax applicable to the province for the fiscal year, and
 - (ii) the average of the standard estate tax applicable to the province for the fiscal year and the two fiscal years immediately preceding it; and
 - (i) "tax collection agreement" means an agreement entered into pursuant to section 6.
- "Standard taxes."
- "Tax collection agreement."
- (2) For the purposes of this Act,
- (a) the population of a province
 - (i) for a calendar year in which a census thereof was taken, means the population as ascertained by the census, and
 - (ii) for any other calendar year, means the population on the 1st day of June in that year as estimated by the Dominion Statistician, on the assumption that the population changed by the same number of persons annually between censuses; and
 - (b) the population of a province for a fiscal year is the population determined in accordance with this subsection for the calendar year in which the fiscal year begins.
- Population.

PAYMENTS TO PROVINCES.

- 3.** (1) Subject to this Act, the Minister may pay to a province in respect of each fiscal year in the period commencing on the 1st day of April, 1962 and ending on the 31st day of March, 1967,
- (a) a tax equalization payment not exceeding the amount computed in accordance with section 4, and
 - (b) a provincial revenue stabilization payment not exceeding the amount computed in accordance with section 5.
- Payments to provinces.

Atlantic
Provinces
additional
grants.

(2) The Minister may pay, in respect of each fiscal year in the period commencing on the 1st day of April, 1962 and ending on the 31st day of March, 1967, in addition to all other payments, grants, subsidies and allowances, an annual grant of ten and one-half million dollars to each of the Provinces of Nova Scotia, New Brunswick and Newfoundland and an annual grant of three and one-half million dollars to the Province of Prince Edward Island.

Additional
grants to
Newfound-
land.

(3) The Minister may pay, in respect of each fiscal year in the period commencing on the 1st day of April, 1962 and ending on the 31st day of March, 1967, in addition to all other payments, grants, subsidies and allowances, an annual grant of eight million dollars to the Province of Newfoundland.

Succession
duties
payments.

(4) Where a province does not levy a succession duty, as defined in the regulations, in respect of successions or transmissions consequent upon, or on property passing upon, any death occurring during a fiscal year in the period commencing on the 1st day of April, 1962 and ending on the 31st day of March, 1967, the Minister may pay to the province, in respect of the fiscal year, an amount equal to the standard estate tax applicable to the province for the fiscal year.

Consolidated
Revenue
Fund.

(5) The amounts authorized to be paid by this section shall be paid out of the Consolidated Revenue Fund at such times and in such manner as may be prescribed by the regulations.

TAX EQUALIZATION PAYMENTS.

Tax equali-
zation
payments.

4. (1) The tax equalization payment applicable to a province for a fiscal year is an amount equal to the greatest of

- (a) the basic equalization amount applicable to the province for the fiscal year computed in accordance with subsection (2),
- (b) the guaranteed equalization amount applicable to the province for the fiscal year computed in accordance with subsection (3), or
- (c) where the per capita amount determined in accordance with paragraph (c) of subsection (2) in respect of the province for the fiscal year is less than the per capita amount determined in accordance with paragraph (d) of that subsection in respect of the province for the fiscal year, the guaranteed equalization amount applicable to the province for the fiscal year computed in accordance with subsection (4).

(2) The basic equalization amount applicable to a province for a fiscal year referred to in paragraph (a) of subsection (1) is the amount, as determined by the Minister, that when added to the total of

Basic
equalization
amount.

- (a) the standard taxes of the province for the fiscal year, and
- (b) fifty per cent of the average natural resources revenues of the province for the three fiscal years immediately preceding the fiscal year,

will cause

- (c) the per capita amount derived by dividing
 - (i) the sum so obtained,
 - by
 - (ii) the population of the province for the fiscal year,

to equal

- (d) the per capita amount derived by dividing the total of
 - (i) the standard taxes of all the provinces for the fiscal year, and
 - (ii) fifty per cent of the average natural resources revenues of all the provinces for the three fiscal years immediately preceding the fiscal year,
 by
 - (iii) the total population of all the provinces for the fiscal year.

(3) The guaranteed equalization amount applicable to a province for a fiscal year referred to in paragraph (b) of subsection (1) is the amount, as determined by the Minister, that when added to the total of

Guaranteed
equalization
amount.

- (a) the standard taxes of the province for the fiscal year, and
- (b) the amount of any grant that may be paid to the province in respect of the fiscal year pursuant to subsection (2) of section 3,

will equal the greater of

- (c) the total of the following amounts applicable to the province for the fiscal year ending in 1962 pursuant to the *Federal-Provincial Tax-Sharing Arrangements Act*, namely,
 - (i) the amount of the standard taxes as defined in that Act,
 - (ii) the amount of the tax equalization payment under section 4 of that Act,
 - (iii) the amount of the provincial revenue stabilization payment under section 5 of that Act, and
 - (iv) the amount of any grant under section 11 of that Act, or

- (d) the average of the totals of the following amounts applicable to the province for each of the fiscal years ending in 1961 and 1962 pursuant to the *Federal-Provincial Tax-Sharing Arrangements Act*, namely,
- (i) the amount of the standard taxes as defined in that Act,
 - (ii) the amount of the tax equalization payment under section 4 of that Act,
 - (iii) the amount of the provincial revenue stabilization payment under section 5 of that Act, and
 - (iv) the amount of any grant under section 11 of that Act.

Idem.

(4) The guaranteed equalization amount applicable to a province for a fiscal year referred to in paragraph (c) of subsection (1) is the amount, as determined by the Minister, that when added to the total of

- (a) the standard taxes of the province for the fiscal year, and
- (b) the amount of any grant that may be paid to the province in respect of the fiscal year pursuant to subsection (2) of section 3,

will equal the total of the following amounts that would have been applicable to the province for the fiscal year pursuant to the *Federal-Provincial Tax-Sharing Arrangements Act* if that Act applied to the province for the fiscal year, namely,

- (c) the amount of the standard taxes as defined in that Act.
- (d) the amount of the tax equalization payment under section 4 of that Act, and
- (e) the amount of any grant under section 11 of that Act.

PROVINCIAL REVENUE STABILIZATION PAYMENTS.

Provincial
revenue
stabilization
payments.

5. (1) The provincial revenue stabilization payment applicable to a province for a fiscal year is the amount, as determined by the Minister, by which

- (a) ninety-five per cent of the average of the totals of the standard taxes, the tax equalization payments and the provincial revenue stabilization payments applicable to the province for the two fiscal years immediately preceding the fiscal year,
exceeds
- (b) the total of the standard taxes and the tax equalization payment applicable to the province for the fiscal year.

(2) A reference in paragraph (a) of subsection (1) to the standard taxes, the tax equalization payment and the provincial revenue stabilization payment applicable to a province for a fiscal year shall, where that fiscal year commenced before 1962, be construed as a reference to the standard taxes as defined in the *Federal-Provincial Tax-Sharing Arrangements Act*, the tax equalization payment under section 4 of that Act, and the provincial revenue stabilization payment under section 5 of that Act, applicable to the province for that fiscal year pursuant to the *Federal-Provincial Tax-Sharing Arrangements Act*. Idem.

TAX COLLECTION AGREEMENTS.

6. (1) Where a province imposes taxes on the income of individuals or corporations or both, the Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement with the government of the province pursuant to which the Government of Canada will collect the provincial taxes on behalf of the province and will make payments to the province in respect of the taxes so collected, in accordance with such terms and conditions as the agreement prescribes. Tax collection agreements.

(2) The Minister, with the approval of the Governor in Council, may, on behalf of the Government of Canada, enter into an agreement amending the terms and conditions of an agreement entered into pursuant to subsection (1). Amendments to agreements.

(3) Where the law of a province that imposes a tax on income as described in subsection (1) contains provisions requiring every person making a payment of a specified kind to another person to deduct or withhold therefrom an amount and to remit that amount on account of such tax, effect may be given to those provisions, in accordance with the regulations, in relation to persons to whom such payments are made out of the Consolidated Revenue Fund or by an agent of Her Majesty in right of Canada.

7. Where a province has entered into a tax collection agreement, the Minister, in accordance with the regulations, may make advance payments to the province out of the Consolidated Revenue Fund on account of any amount that may become payable to the province pursuant to the agreement. Advance payments under agreements.

PROVINCIAL CORPORATION TAXES.

8. Where a tax that a province or a municipality in the province levies and collects on corporations (other than a tax that is excluded by the regulations from the operation of this section) is allowed, in whole or in part, as a deduction in computing the income of a corporation for the purposes Provincial corporation taxes.

of the *Income Tax Act* for any of the taxation years 1962 to 1966, the amount, as determined by the Minister, by which the income tax payable by the corporation under the *Income Tax Act* is reduced by reason of the tax being so allowed as a deduction, may be deducted from any payment to the province pursuant to this Act or otherwise recovered as a debt due to Canada by the province.

REGULATIONS.

Regulations.

9. The Governor in Council may make such regulations as he deems necessary for carrying out the purposes and provisions of this Act and, without restricting the generality of the foregoing, may make regulations respecting

- (a) payment to a province of advances on account of any amount that may become payable to the province pursuant to this Act or a tax collection agreement, the adjustment of other payments by reason of such advances, and the recovery of overpayments;
- (b) the time and manner of making any payment under this Act or a tax collection agreement;
- (c) the accounts to be kept and their management;
- (d) the determination of any matter that, under this Act, is to be determined by the Minister; and
- (e) any matter that, by this Act, is to be defined or prescribed by or done in accordance with the regulations.

ROGER DUHAMEL, F.R.S.C.
 QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
 OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 59

An Act to Encourage Fitness and Amateur Sport.

[Assented to 29th September, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

SHORT TITLE.

1. This Act may be cited as the *Fitness and Amateur Sport Act*. Short title

INTERPRETATION.

2. In this Act,
- | | |
|---|-----------------------------|
| (a) "agreement" means an agreement entered into under this Act; | Definitions
"Agreement." |
| (b) "Council" means the National Advisory Council on Fitness and Amateur Sport established by this Act; | "Council." |
| (c) "member" means a member of the Council; and | "Member." |
| (d) "Minister" means the Minister of National Health and Welfare. | "Minister." |

OBJECTS AND POWERS.

3. The objects of this Act are to encourage, promote and develop fitness and amateur sport in Canada, and, without limiting the generality of the foregoing, the Minister may, in furtherance of such objects,
- | | |
|---|---------------------|
| (a) provide assistance for the promotion and development of Canadian participation in national and international amateur sport; | Objects and powers. |
| (b) provide for the training of coaches and such other personnel as may be required for the purposes of this Act; | |

- (c) provide bursaries or fellowships to assist in the training of necessary personnel;
- (d) undertake or assist in research or surveys in respect of fitness and amateur sport;
- (e) arrange for national and regional conferences designed to promote and further the objects of this Act;
- (f) provide for the recognition of achievement in respect of fitness and amateur sport by the grant or issue of certificates, citations or awards of merit;
- (g) prepare and distribute information relating to fitness and amateur sport;
- (h) assist, co-operate with and enlist the aid of any group interested in furthering the objects of this Act;
- (i) co-ordinate federal activities related to the encouragement, promotion and development of fitness and amateur sport, in co-operation with any other departments or agencies of the Government of Canada carrying on such activities; and
- (j) undertake such other projects or programmes, including the provision of services and facilities or the provision of assistance therefor, in respect of fitness and amateur sport as are designed to promote and further the objects of this Act.

Grants
authorized

4. The Minister, in furtherance of the objects of this Act, may with the approval of the Governor in Council make grants to any agency, organization or institution that is carrying on activities in the field of fitness or amateur sport.

AGREEMENTS AUTHORIZED.

Agreements
authorized.

5. (1) The Minister may, with the approval of the Governor in Council, enter into an agreement with any province, for a period not exceeding six years, to provide for the payment by Canada to the province of contributions in respect of costs incurred by the province in undertaking programmes designed to encourage, promote and develop fitness and amateur sport.

"Costs"
defined

(2) In this section, "costs" incurred by a province means the costs incurred by the province determined as prescribed in the agreement made under this section between the Minister and the province.

"Programmes
designed to
encourage,
promote and
develop
fitness
and amateur
sport"
defined.

(3) In this section the expression "programmes designed to encourage, promote and develop fitness and amateur sport" in respect of a province, means programmes, as defined in the agreement made under this section between the Minister and the province, that are designed to further the objects of this Act.

- 6.** Any agreement made under this Act may be amended
- (a) with respect to the provisions of the agreement in respect of which a method of amendment is set out in the agreement, by that method; or
 - (b) with respect to any other provision of the agreement, by the mutual consent of the parties thereto with the approval of the Governor in Council.
- Amendment of agreement.

COUNCIL ESTABLISHED.

- 7.** (1) There shall be a Council to be called the National Advisory Council on Fitness and Amateur Sport, consisting of not more than thirty members to be appointed by the Governor in Council. Council established.
- (2) Each of the members of the Council shall be appointed to hold office for a term not exceeding three years. Tenure.
- (3) The Governor in Council shall designate one of the members to be chairman. Chairman.
- (4) Of the members of the Council, at least one shall be appointed from each province. Composition of Council.
- (5) A majority of the members constitute a quorum of the Council, and a vacancy in the membership of the Council does not impair the right of the remaining members to act. Quorum.
- (6) In the event of the absence or temporary incapacity of any member, the Governor in Council may appoint a person to act in his stead during such absence or incapacity. Absence or incapacity.
- (7) The Council may make rules for regulating its proceedings and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committee of its members. Procedure.
- 8.** (1) The chairman of the Council shall be paid such remuneration for his services as may be fixed by the Governor in Council. Remuneration of chairman.
- (2) The members other than the chairman shall serve without remuneration, but each member is entitled to be paid reasonable travelling and other expenses incurred by him in the performance of his duties. Travelling and living expenses of members.
- 9.** (1) The Minister may refer to the Council for its consideration and advice such questions relating to the operation of this Act as he thinks fit. Reference to Council
- (2) The Council shall give consideration to and advise the Minister on Council to consider and advise.
- (a) all matters referred to it pursuant to subsection (1); and
 - (b) such other matters relating to the operation of this Act as the Council sees fit.

GENERAL.

Payments out
of C.R.F.

10. The Minister of Finance shall, upon the certificate of the Minister, pay out of the Consolidated Revenue Fund such amounts not exceeding in the aggregate five million dollars in any one fiscal year as may be required for the purposes of this Act.

Officers,
clerks and
employees.

11. Such officers, clerks and other employees as are necessary for the administration of this Act shall be appointed under the provisions of the *Civil Service Act*.

Regulations.

12. The Governor in Council may make regulations

- (a) defining for the purposes of this Act the expressions "fitness" and "amateur sport";
- (b) respecting the provision of facilities in respect of fitness and amateur sport; and
- (c) generally, for carrying into effect the purposes and provisions of this Act.

Report to
Parliament.

13. The Minister shall, within three months after the termination of each fiscal year, prepare an annual report on the work done, moneys expended and obligations contracted under this Act and cause a report to be laid before Parliament if Parliament is then sitting or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

Commence-
ment of Act.

14. This Act shall come into force on a day to be fixed by proclamation of the Governor in Council.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 60

An Act respecting the Observance of the Centennial of Confederation in Canada.

[Assented to 29th September, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

SHORT TITLE.

1. This Act may be cited as the *National Centennial Act*. Short title.

INTERPRETATION.

2. In this Act,
- | | |
|---|-----------------------------------|
| (a) "Administration" means the National Centennial Administration referred to in section 3; | Definitions.
"Administration." |
| (b) "Commissioner" means the Commissioner of the Administration; | "Commissioner." |
| (c) "Conference" means the National Conference on Canada's Centennial referred to in section 17; | "Conference." |
| (d) "Deputy Commissioner" means the Deputy Commissioner of the Administration; | "Deputy Commissioner." |
| (e) "director" means a director of the Administration; | "Director." |
| (f) "Fund" means the National Centennial Fund established by this Act; | "Fund." |
| (g) "member" means a member of the Conference; and | "Member." |
| (h) "Minister" means the Prime Minister of Canada or such other member of the Queen's Privy Council for Canada as is designated by the Governor in Council. | "Minister." |

PART I.

CONSTITUTION OF ADMINISTRATION.

3. There shall be a corporation to be called the National Centennial Administration consisting of a Commissioner, a Deputy Commissioner and not more than eight directors each of whom shall be appointed by the Governor in Council to hold office during pleasure. National Centennial Administration.

Commissioner chief officer.

4. (1) The Commissioner is the chief executive officer of the Administration.

Deputy Commissioner to act.

(2) If the Commissioner is absent or unable to act or the office is vacant, the Deputy Commissioner has and may exercise all the powers and functions of the Commissioner.

Salaries.

5. (1) The Commissioner and Deputy Commissioner shall be paid a salary to be fixed by the Governor in Council.

Remuneration and expenses of directors.

(2) The directors shall serve without remuneration but are entitled to be paid reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties.

Staff.

6. (1) The Commissioner, under the direction of the Minister and with the approval of the Governor in Council, may appoint such officers and employees and such consultants and advisers as he deems necessary for the purposes of this Part and may fix their remuneration and terms and conditions of employment.

Idem.

(2) Every person who, immediately prior to his appointment by the Commissioner, was employed by virtue of the *Civil Service Act* continues, notwithstanding anything in this Act, to be employed by virtue of and to be subject to that Act.

Administration agent of Her Majesty.

7. (1) The Administration is, for all purposes of this Act, an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

Contracts.

(2) Subject to the approval of the Governor in Council, the Administration may, on behalf of Her Majesty, enter into contracts in the name of Her Majesty or in the name of the Administration.

Property.

(3) Property acquired by the Administration is the property of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Administration.

Proceedings

(4) Actions, suits or other legal proceedings in respect of any right or obligation acquired or incurred by the Administration on behalf of Her Majesty, whether in its name or in the name of Her Majesty, may be brought or taken by or against the Administration in the name of the Administration in any Court that would have jurisdiction if the Administration were not an agent of Her Majesty.

Head office.

8. (1) The head office of the Administration shall be at the City of Ottawa.

Meetings.

(2) The Administration shall meet at least four times a year at such places as the Commissioner may designate.

OBJECTS AND POWERS.

9. (1) The objects of the Administration are to promote interest in, and to plan and implement programmes and projects relating to, the Centennial of Confederation in Canada in order that the Centennial may be observed throughout Canada in a manner in keeping with its national and historical significance. Objects of Administration.

(2) Subject to the approval of the Governor in Council, the Administration may, for the purposes of this Act, Powers.

(a) acquire by purchase, lease or otherwise any real or personal property, including securities, and own, hold, sell, manage or deal therewith or therein as the Administration may determine;

(b) expend any moneys appropriated by Parliament for the work of the Administration or received by the Administration through the conduct of its operations or by gift, donation, bequest or otherwise;

(c) undertake programmes and projects relating to the observance of the Centennial of Confederation in Canada; and

(d) engage in joint projects with, or make grants to, any province, or any organization the objects of which are similar to the objects of the Administration, for the observance of the Centennial of Confederation in Canada.

FINANCIAL.

10. (1) There shall be a special account in the Consolidated Revenue Fund, to be known as the National Centennial Fund, to which shall be credited the amounts appropriated by Parliament for the purposes of the Fund. National Centennial Fund.

(2) Subject to subsection (3), the Minister of Finance may, on the recommendation of the Minister, out of the Consolidated Revenue Fund pay to the Administration such amounts as are from time to time required for the purpose of making grants to any province, or to any organization the objects of which are similar to the objects of the Administration, for the observance of the Centennial of Confederation in Canada. Payments out of Consolidated Revenue Fund.

(3) The amounts paid by the Minister of Finance to the Administration under subsection (2) shall be charged to the Fund, but a payment out of the Consolidated Revenue Fund under subsection (2) shall not exceed the balance standing to the credit of the Fund. Limit on payments.

11. All expenditures of the Administration, other than grants made by it pursuant to subsection (2) of section 10, shall be paid out of moneys appropriated by Parliament therefor. Expenditures.

BY-LAWS.

By-laws.

12. The Administration may make by-laws for the conduct and management of its activities and for carrying out the provisions of this Act.

GENERAL.

Gifts,
bequests,
etc.

13. The Administration may, if it sees fit, accept any property by way of gift, bequest or devise and may, notwithstanding anything in this Act, expend, administer or dispose of any such property for the purposes of this Act subject to the terms, if any, upon which such property was given, bequeathed or devised to the Administration.

Adminis-
tration
deemed
charitable
organization.

14. The Administration shall be deemed to be a charitable organization in Canada

(a) as described in paragraph (e) of subsection (1) of section 62 of the *Income Tax Act*, for the purposes of that Act; and

(b) as described in subparagraph (i) of paragraph (d) of subsection (1) of section 7 of the *Estate Tax Act*, for the purposes of that Act.

Audit.

15. The accounts and financial transactions of the Administration shall be audited annually by the Auditor General, and a report of the audit shall be made to the Administration and to the Minister.

Report to
Parliament.

16. The Commissioner shall, within three months after the termination of each fiscal year, submit to the Minister a report of all proceedings under this Act for that fiscal year, including the financial statements of the Administration, and the Auditor General's report thereon, and the Minister shall cause such reports to be laid before Parliament within fifteen days after the receipt thereof or, if Parliament is not then sitting, on any of the first fifteen days next thereafter that Parliament is sitting.

PART II.

NATIONAL CONFERENCE ON CANADA'S CENTENNIAL.

National
Conference on
Canada's
Centennial.

17. There shall be a National Conference on Canada's Centennial consisting of the Minister and not more than sixty members each of whom shall be appointed by the Minister, including at least two members from each of the ten provinces who shall be appointed by the Minister on the recommendation of the governments of each of the provinces.

18. (1) The Minister shall be the Chairman of the Conference and may appoint one of the members to be Vice-Chairman. Chairman and Vice-Chairman.

(2) In the event of the absence or incapacity of the Minister, the Vice-Chairman shall act as Chairman. Vice-Chairman to act.

19. The objects of the Conference are the consideration and discussion of plans and programmes relating to the Centennial of Confederation in Canada. Objects of Conference.

20. (1) In order to carry out its objects the Conference may utilize the services of such officers and employees employed in the National Centennial Administration as the Commissioner may designate for that purpose. Staff

(2) Subject to subsection (1), the Minister may provide the Conference with such professional and technical assistance for temporary periods or for specific work as the Conference may request, but no such assistance shall be provided otherwise than from the public service of Canada except with the approval of the Treasury Board. Advisors.

21. The Conference shall meet at least twice a year at such places as the Minister may designate. Meetings.

22. The Conference may make rules for regulating its proceedings and the performance of its functions and may provide therein for the delegation of any of its duties to any special or standing committees of its members. Procedure.

23. Twenty members constitute a quorum of the Conference and a vacancy in the membership of the Conference does not impair the right of the remaining members to act. Quorum.

24. Members of the Conference shall serve without remuneration but are entitled to be paid reasonable travelling and living expenses while absent from their ordinary place of residence in the course of their duties. Remuneration and expenses.

25. The Conference is not an agent of Her Majesty and the members of the Conference as such are not part of the public service of Canada. Not agent of Her Majesty.

26. All expenditures of the Conference shall be paid out of moneys appropriated by Parliament for the purpose. Expenditures.

27. The Governor in Council may make regulations for carrying the purposes and provisions of this Act into effect. Regulations.

9 - 10 ELIZABETH II.

CHAP. 61

An Act to amend the National Housing Act, 1954.

[Assented to 29th September, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1953-54, c. 23;
1956, c. 9;
1957-58, c. 18;
1958, c. 3;
1959, c. 6;
1960, c. 10;
1960-61, c. 1.

1. The portion of subsection (1) of section 22 of the *National Housing Act, 1954* that precedes paragraph (a) thereof is repealed and the following substituted therefor:

1960, c. 10,
s. 2.

“**22.** (1) The Minister may, upon terms and conditions approved by the Governor in Council, out of the Consolidated Revenue Fund, not exceeding in the aggregate two billion dollars,”

Advances out
of C.R.F.

2. Paragraph (a) of subsection (2) of section 35 of the said Act is repealed and the following substituted therefor:
“(a) ten million dollars, and”

1956, c. 9,
s. 14.

3. The portion of subsection (2) of section 36c of the said Act that precedes paragraph (a) thereof is repealed and the following substituted therefor:

1960-61, c. 1,
s. 7.

“(2) The amount of an advance or reimbursement under subsection (1) shall not be greater than the amount by which one hundred million dollars exceeds the aggregate of”

Limits on
payments out
of C.R.F.

4. Paragraph (a) of subsection (3) of section 36H of the said Act is repealed and the following substituted therefor:
“(a) two hundred million dollars, and”

1960-61, c. 1,
s. 7.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 62

An Act to amend certain Agreements respecting the Administration and Control of Natural Resources in the Provinces of Manitoba, Alberta and Saskatchewan.

[Assented to 29th September, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. This Act may be cited as the *Natural Resources Transfer (School Lands) Amendment Act, 1961.* Short Title.

2. The Memorandum of Agreement between the Government of Canada and the Government of the Province of Manitoba made on the thirteenth day of July, 1961, the Memorandum of Agreement between the Government of Canada and the Province of Alberta made on the thirteenth day of July, 1961, and the Memorandum of Agreement between the Government of Canada and the Government of the Province of Saskatchewan made on the fourteenth day of July, 1961, set forth in Schedules A, B and C respectively, are hereby confirmed and declared to have the force of law in Canada. Agreements confirmed.

SCHEDULE A.

Memorandum of Agreement.

Made this thirteenth day of July, 1961.

BETWEEN:

THE GOVERNMENT OF CANADA, REPRESENTED HEREIN BY
THE HONOURABLE WALTER DINSDALE, MINISTER OF
NORTHERN AFFAIRS AND NATIONAL RESOURCES,

AND:

THE GOVERNMENT OF THE PROVINCE OF MANITOBA, REP-
RESENTED HEREIN BY THE HONOURABLE STEWART E.
MCLEAN, MINISTER OF EDUCATION.

Whereas paragraph 7 of a Memorandum of Agreement between the Government of Canada and the Government of the Province of Manitoba made on the 14th day of December, 1929, (which Memorandum of Agreement is hereinafter referred to as the "original Agreement") duly approved by the Parliament of Canada and the Legislature of the Province and, upon an address by the Senate and House of Commons of Canada, confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom entitled the British North America Act, 1930, was amended by a Memorandum of Agreement between the Government of Canada and the Government of the Province of Manitoba made the 11th day of June, 1951, duly approved by the Parliament of Canada and the Legislature of the Province;

And whereas the said paragraph 7, as amended, provides:

"7. The School Lands Fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province. The Province will, notwithstanding anything in this Agreement, invest money to which this paragraph applies in securities of Canada, or of a Province, or of a municipal corporation or school district in the Province of Manitoba, or in securities guaranteed by Canada or a Province, to form a school fund, and will apply the interest arising therefrom, after deducting the cost of management, for the support of schools organized and carried on in accordance with the law of the Province."

And whereas in and by paragraph 24 of the original Agreement it is provided that the foregoing provisions of the said Agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

SCHEDULE A—*Concluded.*

And whereas it is considered desirable to vest the Province with full control of the School Lands Fund and the school lands referred to in the said paragraph 7 as amended.

Now, therefore, this Agreement witnesseth as follows:

1. Paragraph 7 of the original Agreement, as amended, is deleted and the following substituted therefor:

“7. The School Lands Fund transferred to the Province under the terms hereof, and such of the school lands specified in section 37 of the Dominion Lands Act, chapter 113 of the Revised Statutes of Canada, 1927, as passed to the administration of the Province under the terms hereof, shall be administered or disposed of in such manner as the Province may determine.”

2. This Agreement shall take effect upon being duly approved by the Parliament of Canada and the Legislature of the Province.

IN WITNESS WHEREOF the Honourable Walter Dinsdale, Minister of Northern Affairs and National Resources, on behalf of the Government of Canada and the Honourable Stewart E. McLean, Minister of Education, on behalf of the Government of the Province of Manitoba, have hereunto set their hands:

Signed on behalf of the Government of Canada
by the Honourable Walter Dinsdale, Minister of
Northern Affairs and National Resources, in the
presence of

(Sgd.) A. B. Miller

(Sgd.)
Walt. Dinsdale

Signed on behalf of the Government of the
Province of Manitoba by the Honourable
Stewart E. McLean, Minister of Education, in
the presence of

(Sgd.) R. W. Dalton

(Sgd.)
Stewart E. McLean

SCHEDULE B.

Memorandum of Agreement.

Made this thirteenth day of July, 1961.

BETWEEN:

THE GOVERNMENT OF CANADA, REPRESENTED HEREIN BY THE HONOURABLE WALTER DINSDALE, MINISTER OF NORTHERN AFFAIRS AND NATIONAL RESOURCES,

AND:

THE GOVERNMENT OF THE PROVINCE OF ALBERTA, REPRESENTED HEREIN BY THE HONOURABLE NORMAN ALFRED WILLMORE, MINISTER OF LANDS AND FORESTS.

Whereas paragraph 7 of a Memorandum of Agreement between the Government of Canada and the Government of the Province of Alberta made on the 14th day of December, 1929, (which Memorandum of Agreement is hereinafter referred to as the "original Agreement") duly approved by the Parliament of Canada and the Legislature of the Province and, upon an address by the Senate and House of Commons of Canada, confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom entitled the British North America Act, 1930, was amended by a Memorandum of Agreement between the Government of Canada and the Government of the Province of Alberta made the 31st day of March, 1951, duly approved by the Parliament of Canada and the Legislature of the Province;

And whereas the said paragraph 7, as amended, provides:

"7. The School Lands Fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province. The Province will, notwithstanding anything in this Agreement, invest money to which this paragraph applies in securities of Canada, or of a Province, or of a municipal corporation, school district or school division in the Province of Alberta, or in securities guaranteed by Canada or a Province, to form a school fund, and will apply the interest arising therefrom, after deducting the cost of management, for the support of schools organized and carried on in accordance with the law of the Province."

And whereas in and by paragraph 24 of the original Agreement it is provided that the foregoing provisions of the said Agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province:

SCHEDULE B—*Concluded.*

And whereas it is considered desirable to vest the Province with full control of the School Lands Fund and the school lands referred to in the said paragraph 7, as amended.

Now, therefore, this Agreement witnesseth as follows:

1. Paragraph 7 of the original Agreement, as amended, is deleted and the following substituted therefor:

“7. The School Lands Fund transferred to the Province under the terms hereof, and such of the school lands specified in section 37 of the Dominion Lands Act, chapter 113 of the Revised Statutes of Canada, 1927, as passed to the administration of the Province under the terms hereof, shall be administered or disposed of in such manner as the Province may determine.”

2. This Agreement shall take effect upon being duly approved by the Parliament of Canada and the Legislature of the Province.

IN WITNESS WHEREOF the Honourable Walter Dinsdale, Minister of Northern Affairs and National Resources, on behalf of the Government of Canada and the Honourable Norman Alfred Willmore, Minister of Lands and Forests, on behalf of the Government of the Province of Alberta, have hereunto set their hands:

Signed on behalf of the Government of Canada
by the Honourable Walter Dinsdale, Minister of
Northern Affairs and National Resources, in
the presence of

(Sgd.)
Walt. Dinsdale

(Sgd.) A. B. Miller

Signed on behalf of the Government of the
Province of Alberta by the Honourable Norman
Alfred Willmore, Minister of Lands and Forests,
in the presence of

(Sgd.)
Norman Willmore

(Sgd.) Grace A. M. Matheson

SCHEDULE C.

Memorandum of Agreement.

Made this fourteenth day of July, 1961.

BETWEEN:

THE GOVERNMENT OF CANADA, REPRESENTED HEREIN BY
THE HONOURABLE WALTER DINSDALE, MINISTER OF
NORTHERN AFFAIRS AND NATIONAL RESOURCES,

AND:

THE GOVERNMENT OF THE PROVINCE OF SASKATCHEWAN,
REPRESENTED HEREIN BY THE HONOURABLE WOODROW
STANLEY LLOYD, PROVINCIAL TREASURER.

Whereas paragraph 7 of a Memorandum of Agreement between the Government of Canada and the Government of the Province of Saskatchewan made on the 20th day of March, 1930, (which Memorandum of Agreement is hereinafter referred to as the "original Agreement") duly approved by the Parliament of Canada and the Legislature of the Province and, upon an address by the Senate and House of Commons of Canada, confirmed and declared to have the force of law by an Act of the Parliament of the United Kingdom entitled the British North America Act, 1930, was amended by Memoranda of Agreement between the Government of Canada and the Government of the Province of Saskatchewan made the 25th day of May, 1948, and the 29th day of March, 1951, duly approved by the Parliament of Canada and the Legislature of the Province;

And whereas the said paragraph 7, as amended, provides:

"7. The School Lands Fund to be transferred to the Province as aforesaid, and such of the school lands specified in section thirty-seven of the Dominion Lands Act, being chapter one hundred and thirteen of the Revised Statutes of Canada, 1927, as pass to the administration of the Province under the terms hereof, shall be set aside and shall continue to be administered by the Province in accordance, *mutatis mutandis*, with the provisions of sections thirty-seven to forty of the Dominion Lands Act, for the support of schools organized and carried on therein in accordance with the law of the Province. School lands may be sold to veterans qualified to participate in the benefits of the Veterans Land Act, 1942, and amendments thereto, under and subject to terms and conditions to be prescribed by regulations made by the Lieutenant-Governor in Council. The Province will, notwithstanding anything in this Agreement, invest money to which this paragraph applies in securities of Canada, or of a Province, or of a municipal corporation, school district or school unit in the Province of Saskatchewan, or in securities guaranteed by Canada or a Province, to form a school fund, and will apply the interest arising therefrom, after deducting the cost of management, for the support of schools organized and carried on in accordance with the law of the Province."

SCHEDULE C—*Concluded.*

And whereas in and by paragraph 26 of the original Agreement it is provided that the foregoing provisions of the said Agreement may be varied by agreement confirmed by concurrent statutes of the Parliament of Canada and the Legislature of the Province;

And whereas it is considered desirable to vest the Province with full control of the School Lands Fund and the school lands referred to in the said paragraph 7, as amended.

Now, therefore, this Agreement witnesseth as follows:

1. Paragraph 7 of the original Agreement, as amended, is deleted and the following substituted therefor:

“7. The School Lands Fund transferred to the Province under the terms hereof, and such of the school lands specified in section 37 of the Dominion Lands Act, chapter 113 of the Revised Statutes of Canada, 1927, as passed to the administration of the Province under the terms hereof, shall be administered or disposed of in such manner as the Province may determine.”

2. This Agreement shall take effect upon being duly approved by the Parliament of Canada and the Legislature of the Province.

IN WITNESS WHEREOF the Honourable Walter Dinsdale, Minister of Northern Affairs and National Resources, on behalf of the Government of Canada and the Honourable Woodrow Stanley Lloyd, Provincial Treasurer, on behalf of the Government of the Province of Saskatchewan, have hereunto set their hands:

Signed on behalf of the Government of Canada
by the Honourable Walter Dinsdale, Minister of
Northern Affairs and National Resources, in
the presence of

(Sgd.)
Walt. Dinsdale

(Sgd.) E. M. Chalkman

Signed on behalf of the Government of the
Province of Saskatchewan by the Honourable
Woodrow Stanley Lloyd, Provincial Treasurer,
in the presence of

(Sgd.) W. S. Lloyd

(Sgd.) Lorna P. Stuhr

9 - 10 ELIZABETH II.

CHAP. 63

An Act to amend the Transport Act.

[Assented to 29th September, 1961.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: R.S., 1952,
c. 271; 1955,
c. 59.

1. Subsection (1) of section 33 of the *Transport Act* is repealed and the following substituted therefor: 1955, c. 59.

“33. (1) Where an agreed charge has been in effect for at least three months Complaints.

- (a) any carrier, or association of carriers, by water or rail,
- (b) any association or other body representative of the shippers of any locality, or
- (c) any association or other body representative of the motor vehicle operators of Canada or of a province thereof

may complain to the Minister that the agreed charge is unjustly discriminatory against a carrier or a motor vehicle operator or a shipper or places his business at an unfair disadvantage, and the Minister may, if he is satisfied that in the public interest the complaint should be investigated, refer the complaint to the Board for investigation.”

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

9 - 10 ELIZABETH II.

CHAP. 64

An Act for granting to Her Majesty certain sums of money for the public service for the financial year ending the 31st March, 1962.

[Assented to 29th September, 1961.]

MOST GRACIOUS SOVEREIGN,

WHEREAS it appears by messages from His Excellency, Preamble.
Major-General Georges Philias Vanier, D.S.O., M.C., Governor General of Canada and His Excellency the Honorable Patrick Kerwin, P.C., Administrator of the Government of Canada, and the estimates accompanying the said messages, that the sums hereinafter mentioned are required to defray certain expenses of the public service of Canada, not otherwise provided for, for the financial year ending the 31st day of March, 1962, and for other purposes connected with the public service: May it therefore please Your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:

1. This Act may be cited as the *Appropriation Act* Short title
No. 5, 1961.

2. From and out of the Consolidated Revenue Fund, there may be paid and applied a sum not exceeding in the whole one billion, five hundred and forty-three million, four hundred and forty-three thousand, four hundred and eighty-two dollars and ninety-six cents towards defraying the several charges and expenses of the public service, from the 1st day of April, 1961, to the 31st day of March, 1962, not otherwise provided for, and being the aggregate of \$1,543,443,482.96 granted for 1961-62.

- (a) the total of the amounts of the items set forth in the Main Estimates for the fiscal year ending the 31st day of March, 1962, as contained in Schedule A, less the amounts voted on account of the said items by the *Appropriation Act No. 1, 1961*, the *Appropriation Act No. 3, 1961*, and the *Appropriation Act No. 4, 1961*, \$1,485,702,081.72;
- (b) the total of the amounts of the items set forth in the Supplementary Estimates for the fiscal year ending the 31st day of March, 1962, as contained in Schedule B, less the amounts voted on account of the said items by the *Appropriation Act No. 4, 1961*, \$49,822,651.25; and
- (c) the total of the amounts of the items set forth in the Further Supplementary Estimates (1) for the fiscal year ending the 31st day of March, 1962, as contained in Schedule C, less the amounts voted on account of the said items by the *Appropriation Act No. 4, 1961*, \$7,918,749.99.

Purpose and effect of each item.

3. (1) The amount authorized by this Act to be paid or applied in respect of an item may be paid or applied only for the purposes and subject to any terms and conditions specified in the item, and the payment or application of any amount pursuant to the item has such operation and effect as may be stated or described therein.

(2) The provisions of each item in the Schedules shall be deemed to have been enacted by Parliament on the 1st day of April, 1961.

Account to be rendered.

4. Amounts paid or applied under the authority of this Act shall be accounted for in the Public Accounts in accordance with section 64 of the *Financial Administration Act*.

SCHEDULE A.

Based on the Main Estimates, 1961-62. The amount hereby granted is \$1,485,702,081.72 being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 1, 1961*, the *Appropriation Act No. 3, 1961*, and the *Appropriation Act No. 4, 1961*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE			
ADMINISTRATION BRANCH			
1	Departmental Administration, including Advisory Committee on Agricultural Services.....	911,093	
2	Information Division including a grant of \$26,000 to the Agricultural Institute of Canada.....	710,519	
3	Contributions to Commonwealth Agricultural Bureaux in a total amount of £46,384, notwithstanding that payments may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	127,092	
4	Economics Division.....	848,183	
RESEARCH BRANCH			
5	Branch Administration including Canada's fee for membership in the International Society for Horticultural Science and \$139,045 for grants in aid of agricultural research in universities and other scientific organizations in Canada.....	1,899,219	
6	Institutes, Stations, Farms, Laboratories and Services— Operation and Maintenance including the costs of publishing departmental research papers as supplements to the <i>Canadian Entomologist</i>	21,175,694	
7	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,710,538	
PRODUCTION AND MARKETING BRANCH			
8	Branch Administration including contributions to Agricultural Organizations to assist in the Marketing of Agricultural Products, subject to the approval of Treasury Board (also includes the former item for Agricultural Products Board Administration).....	1,001,970	
9	Agricultural Stabilization Act Administration.....	536,013	
Dairy Products Division—			
10	Operation and Maintenance including Canada's fee for membership in the International Dairy Federation.....	904,988	
11	Grants and other assistance in accordance with the Cheese and Cheese Factory Improvement Act.....	1,150,398	
Fruit and Vegetable Division including Maple Products and Honey—			
12	Operation and Maintenance.....	1,882,522	
13	Assistance in construction of potato warehouses under terms and conditions approved by the Governor in Council..	134,015	
Health of Animals Division—			
14	Operation and Maintenance including Canada's fee for membership in the Office International des Epizooties and authority, notwithstanding the Financial Administration Act, to spend revenue received during the year from packers requiring special services.....	9,940,601	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE—Continued			
PRODUCTION AND MARKETING BRANCH—Concluded			
Health of Animals Division—Concluded			
15	Construction or Acquisition of Buildings, Works, Land and Equipment.....	431,910	
16	Compensation for Animals Slaughtered.....	2,220,000	
Livestock Division—			
17	Operation and Maintenance including premiums on pure bred sires and contributions for livestock improvement; stockyard supervision and furs.....	2,861,681	
18	Supervision of Race Track Betting.....	682,786	
19	Grants to Agricultural Fairs, Exhibitions and Museums in accordance with regulations of the Governor in Council; payments pursuant to agreements in force on March 31, 1961, with Exhibitions covering the construction of buildings and other major undertakings; and a grant of \$50,000 to the Royal Agricultural Winter Fair, Toronto, and Freight Assistance on Livestock Shipments for exhibition thereat.....	967,600	
20	Special Grant to Royal Agricultural Winter Fair, Toronto.	450,000	
21	Special Grant to Pacific National Exhibition, Vancouver..	200,000	
22	Grants to Agricultural Organizations as detailed in the Estimates.....	260,250	
23	To authorize, notwithstanding sections 33 and 35 of the Financial Administration Act, the issue by the Minister of Agriculture, in accordance with terms and conditions prescribed by the Governor in Council, of Premium Warrants for High Grade Hog Carcasses, and to authorize the charging to this Vote of the value of Premium Warrants at the time they are issued and the value of any unredeemed Premium Warrants issued in previous fiscal years, notwithstanding that the total value of all Premium Warrants to be charged may exceed the estimated cost of the program which is.....	6,865,000	
Plant Products Division—			
24	Operation and Maintenance including Seeds, Feeds, Fertilizers, Insecticides and Fungicides Control.....	2,121,639	
25	Freight Assistance on Western Feed Grains.....	20,000,000	
26	Agricultural Lime Assistance.....	1,300,000	
27	Plant Protection Division.....	1,283,468	
28	Poultry Division.....	1,248,856	
BOARD OF GRAIN COMMISSIONERS (Canada Grain Act)			
29	Administration.....	166,215	
30	Inspection and Weighing of Grain, and Related Services.....	4,721,225	
Canadian Government Elevators—			
31	Operation and Maintenance including authority to purchase screenings.....	1,595,740	
32	Construction or Acquisition of Buildings, Works, Land and Equipment.....	3,000	
LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS			
Irrigation and Water Storage Projects in the Western Provinces including the South Saskatchewan River Project; the Prairie Farm Rehabilitation Act Program; Land Protection, Reclamation and Development—			
33	Administration, Operation and Maintenance.....	7,843,075	
34	Construction or Acquisition of Buildings, Works, Land and Equipment.....	18,322,297	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE—Concluded		
	LAND REHABILITATION, IRRIGATION AND WATER STORAGE PROJECTS—Concluded		
35	Maritime Marshland Rehabilitation Act including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Province of Nova Scotia of the cost of the Annapolis River Aboiteau-Causeway Project.....	1,034,873	
	SPECIAL		
36	Prairie Farm Assistance Act Administration.....	690,483	122,202,953
	ATOMIC ENERGY		
	ATOMIC ENERGY CONTROL BOARD		
37	Administration Expenses of the Atomic Energy Control Board.....	69,515	
38	Grants for Researches and Investigations with respect to Atomic Energy.....	700,000	
	ATOMIC ENERGY OF CANADA LIMITED (RESEARCH PROGRAM)		
39	Current Operation and Maintenance, including expendable research equipment.....	29,756,200	
40	Construction or Acquisition of Buildings, Works, Land and Equipment and to authorize Central Mortgage and Housing Corporation to undertake construction of works near the Whiteshell Nuclear Research Establishment for Atomic Energy of Canada Limited.....	9,197,700	39,723,415
	AUDITOR GENERAL'S OFFICE		
41	Salaries and Expenses of Office.....		1,115,400
	BOARD OF BROADCAST GOVERNORS		
42	Salaries and Other Expenses.....		331,170
	CANADIAN BROADCASTING CORPORATION		
	CANADIAN BROADCASTING CORPORATION		
43	Grant in respect of the net operating requirements of the Radio and Television Services.....	70,418,000	
44	Grant for the capital requirements, including the replacement of existing capital assets, of the Radio and Television Services.....	9,640,000	
	INTERNATIONAL BROADCASTING SERVICE		
45	International Broadcasting Service including authority to credit to the Appropriation revenue from the rental of facilities in Montreal, Sackville and Vancouver to an amount of \$420,500 and to re-expend these moneys for the purposes of the International Broadcasting Service.....	1,694,300	81,752,300

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	OFFICE OF THE CHIEF ELECTORAL OFFICER		
46	Salaries and Expenses of Office.....		83,685
	CITIZENSHIP AND IMMIGRATION		
47	Departmental Administration.....	1,001,840	
	CITIZENSHIP		
48	Citizenship Registration Branch.....	845,871	
49	Citizenship Branch.....	808,322	
50	Grants to Organizations as detailed in the Estimates.....	40,000	
	IMMIGRATION BRANCH		
51	Administration of the Immigration Act.....	1,388,640	
52	Field and Inspectional Service, Canada, including \$13,000 for grants to Immigrant Welfare Organizations.....	7,507,122	
53	Field and Inspectional Service, Abroad.....	2,298,559	
54	Trans-Oceanic and Inland Transportation and Other Assistance for Immigrants and Settlers, subject to the approval of Treasury Board, including care en route and while awaiting employment; and payments to the Provinces pursuant to agreements entered into, with the approval of the Governor in Council, in respect of expenses incurred by the Provinces for indigent immigrants.....	2,100,000	
	INDIAN AFFAIRS BRANCH		
55	Administration.....	792,099	
	Indian Agencies—		
56	Operation and Maintenance.....	4,406,145	
57	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,610,235	
	Reserves and Trusts—		
58	Operation and Maintenance.....	384,755	
	Welfare of Indians—		
59	Operation and Maintenance, including a grant to the Province of Manitoba of one-half of the cost of a program of community development not exceeding \$50,000.....	9,176,563	
60	Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,010,000	
	Economic Development—		
61	Operation and Maintenance, including an amount of \$6,500 for grants to promote Indian Agriculture, Handicrafts and Economic Enterprises Generally.....	1,113,143	
62	Construction or Acquisition of Buildings, Works, Land and Equipment.....	511,407	
	Education—		
63	Administration, Operation and Maintenance.....	21,164,850	
64	Construction or Acquisition of Buildings, Works, Land and Equipment including payments under agreements to provide Joint Educational Facilities to Indian Pupils.....	7,705,000	
65	Grant to provide Additional Services to the Indians of British Columbia.....	100,000	
			64,964,606
	CIVIL SERVICE COMMISSION		
66	Salaries and Contingencies of the Commission including compensation in accordance with the Suggestion Award Plan of the Public Service of Canada.....		4,486,681

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
DEFENCE PRODUCTION			
A—DEPARTMENT			
67	Departmental Administration.....	9,574,385	
68	Care, Maintenance and Custody of Standby Defence Plants, Buildings, Machine Tools and Production Tooling.....	888,700	
69	For the establishment of production capacity and for capital assistance for the construction, acquisition, extension or improvement of capital equipment or works by private contractors engaged in defence contracts, or by Crown Plants operated on a management-fee basis, or by Crown Com- panies under direction of the Minister of Defence Production, subject to the approval of Treasury Board.....	1,590,000	
70	Grants to municipalities in lieu of taxes on Crown-owned defence plants operated by private contractors.....	145,300	
71	To establish qualified sources for the production of component parts and materials, subject to the approval of Treasury Board, and to authorize commitments against future years in the amount of \$300,000.....	607,000	
72	To sustain technological capability in Canadian industry by sup- porting selected defence development programs, on terms and conditions approved by Treasury Board, and to author- ize, notwithstanding section 30 of the Financial Administra- tion Act, total commitments of \$16,500,000 for the forego- ing purposes during the current and subsequent fiscal years....	5,500,000	
B—CROWN COMPANIES			
73	Expenses incurred by Defence Construction (1951) Limited in procuring the construction of defence projects on behalf of the Department of National Defence and procuring the construc- tion of such other projects as are approved by Treasury Board.....	3,462,317	
	Canadian Arsenal Limited—		
74	Administration and Operation.....	3,880,230	
75	Construction, Improvements and Equipment.....	302,075	
			25,950,007
EXTERNAL AFFAIRS			
A—DEPARTMENT			
76	Departmental Administration.....	6,924,915	
77	Representation Abroad—Operational—including authority, not- withstanding the Civil Service Act, for the appointment and fixing of salaries of High Commissioners, Ambassadors, Ministers Plenipotentiary, Consuls, Secretaries and staff by the Governor in Council.....	11,271,043	
78	Representation Abroad—Construction, acquisition or improve- ment of buildings, works, land, equipment and furnishings, and to the extent that blocked funds are available for these expenditures, to provide for payment from these foreign currencies owned by Canada and provided only for govern- mental or other limited purposes.....	1,377,900	
79	Canada's civilian participation as a member of the International Commissions for Supervision and Control in Indo-China including authority, notwithstanding the Civil Service Act, for the appointment and fixing of salaries of Commissioners, Secretaries and staff by the Governor in Council.....	224,810	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
EXTERNAL AFFAIRS—Continued			
A—DEPARTMENT—Continued			
80	Special Administrative Expenses including payment of remuneration, subject to the approval of the Governor in Council and notwithstanding the Civil Service Act, in connection with the assignment by the Canadian Government of Canadians to the international staff of the North Atlantic Treaty Organization (part recoverable from the North Atlantic Treaty Organization), and authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the North Atlantic Treaty Organization of such expenses.....	44,136	
81	Official Hospitality.....	45,000	
82	Relief and repatriation of distressed Canadian citizens abroad and their dependents and for the reimbursement of the United Kingdom for relief expenditures incurred by its Diplomatic and Consular Posts on Canadian account (part recoverable).....	20,000	
83	Canadian Representation at International Conferences.....	321,500	
84	Grant to the United Nations Association in Canada.....	12,000	
85	Grant to the Canadian Atlantic Co-ordinating Committee.....	2,500	
86	Gift to commemorate the sesquicentennial anniversary of the independence of the Republic of Mexico.....	3,500	
87	Gift to commemorate the independence of Nigeria.....	10,000	
EXTERNAL AID OFFICE			
88	Salaries and Expenses.....	525,923	
CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS			
Bilateral Economic Aid Programs—			
89	Colombo Plan.....	50,000,000	
90	West Indies Assistance Program.....	1,500,000	
91	Special Commonwealth Africa Aid Program.....	3,500,000	
92	Technical Assistance to Commonwealth Countries and Territories other than those eligible for assistance under the Colombo Plan, the West Indies Assistance Program or the Special Commonwealth Africa Aid Program....	120,000	
93	Commonwealth Scholarship Plan.....	1,000,000	
Multilateral Economic Aid Programs—			
94	Contribution to the United Nations Special Fund in an amount of \$2,350,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	2,298,594	
95	Contribution to the United Nations Expanded Program for Technical Assistance to Under-Developed Countries in an amount of \$2,150,000 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	2,102,969	
96	Contribution to the Operational Budget of the International Atomic Energy Agency in an amount of \$52,020 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	50,882	
Special Aid Programs—			
97	Contribution to the Program of the United Nations High Commissioner for Refugees.....	290,000	
98	Contribution to the United Nations Children's Fund.....	650,000	
99	Contribution to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....	500,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
EXTERNAL AFFAIRS—Concluded			
A—DEPARTMENT—Concluded			
CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS—Concluded			
Special Aid Programs—Concluded			
100	Contribution towards the Refugee Program of the Inter-governmental Committee for European Migration.....	60,000	
101	Expenses in connection with Canada's participation in the World Refugee Year, additional to those provided for in Vote 648, Appropriation Act No. 3, 1960, for the completion of the Tuberculous Refugee Program.....	50,000	
OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS			
102	Assessments for Membership in the International (including Commonwealth) Organizations that are detailed in the Estimates, including authority to pay such assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	4,709,895	
103	Contribution to the program of the North Atlantic Treaty Organization's Science Committee in an amount of \$117,840 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	115,262	
104	Payment to the International Civil Aviation Organization in part reimbursement of compensation paid to its Canadian employees for Quebec income tax for the 1960 taxation year.....	11,500	
105	To provide the International Civil Aviation Organization with office accommodation at less than commercial rates.....	247,789	
106	Contribution to the United Nations Technical Assistance Administration Training Centre at the University of British Columbia.....	10,000	
107	Grant to the International Committee of the Red Cross.....	15,000	
108	Grant to the Commonwealth Institute in an amount of £500, notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	1,375	
B—INTERNATIONAL JOINT COMMISSION			
109	Salaries and Expenses of the Commission including, subject to the approval of the Governor in Council and notwithstanding the International Boundary Waters Treaty Act, as amended, payment of salary of the Chairman at \$17,500 per annum.....	108,885	
110	Canada's share of the expenses of studies, surveys and investigations of the International Joint Commission.....	52,000	
			88,177,378
FINANCE			
GENERAL ADMINISTRATION			
111	Departmental Administration.....	1,911,211	
112	Comptroller of the Treasury— Central Office and Branch Offices Administration.....	21,579,725	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
<i>FINANCE—Concluded</i>			
ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS			
113	Superannuation and Retirement Acts Administration.....	851,916	
114	The Bank Act—Salaries and Expenses of the Inspector General of Banks' Office.....	34,330	
115	Administration of the Farm Improvement Loans Act, the Veterans' Business and Professional Loans Act, the Fisheries Improvement Loans Act, the Prairie Grain Producers' Interim Financing Act, the Prairie Grain Loans Act and the Small Businesses Loans Act.....	108,293	
	Tariff Board—		
116	Administration.....	207,288	
	Royal Canadian Mint—		
117	Administration, Operation and Maintenance.....	1,446,230	
118	Construction or Acquisition of Equipment..	103,620	
SUBSIDIES AND OTHER PAYMENTS TO PROVINCES			
<i>Special Payments to Provinces</i>			
119	Payments to the Government of each Province, in respect of income tax collected from corporations whose main business is the distribution to or generation for distribution to the public of electrical energy, gas or steam, of amounts computed in accordance with section 6 of The Tax Rental Agreements Act, 1952, as if the last two lines of subsection (1) of that section read as follows: "... ending on the thirty-first day of December, one thousand nine hundred and fifty-nine"	6,000,000	
PAYMENTS TO MUNICIPALITIES			
120	Grants to Municipalities in accordance with the Municipal Grants Act and Regulations made thereunder.....	24,700,000	
CONTINGENCIES AND MISCELLANEOUS			
121	Miscellaneous minor or unforeseen expenses, subject to the approval of the Treasury Board, including authority to re-use any sums repaid to this appropriation from other appropriations, and for awards under the Public Servants Inventions Act.....	1,500,000	
122	Telephone Service at Ottawa for all Departments.....	1,562,700	
123	Losses incurred on foreign exchange tendered in payment of accounts receivable.....	500	
GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS			
124	Government's contributions to Pension Plans (and Death Benefit Plans) for employees engaged locally outside Canada who are excluded from the Public Service Superannuation Act..	85,000	
125	To supplement other votes, subject to the approval of the Treasury Board, for the payment of salaries, wages and other payroll charges.....	3,000,000	
126	Government's contribution, as an Employer, to the Unemployment Insurance Fund in respect of Government Employees paid through the Central Pay Office.....	1,100,000	
127	Government's contribution to the Hospital Insurance (Outside Canada) Plan.....	130,000	
128	Government's share of surgical-medical insurance premiums determined in accordance with regulations made pursuant to Vote 124, Appropriation Act No. 6, 1960.....	8,000,000	
MISCELLANEOUS GRANTS			
129	Canadian Association of Consumers.....	10,000	
130	Institute of Public Administration of Canada.....	6,000	
			72,336,813

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
FISHERIES			
131	Departmental Administration.....	473,500	
132	Information and Educational Service including grant of \$3,000 to Nova Scotia Fisheries Exhibition.....	236,470	
133	Economics Service including the expenses of an international meeting on the economic effect of fishery regulation.....	373,770	
134	Industrial Development Service.....	806,750	
135	Field Services Administration.....	1,060,400	
	Conservation and Development Service—		
136	Operation and Maintenance.....	6,495,000	
137	Construction or Acquisition of Buildings, Works, Land and Equipment.....	2,258,200	
138	Inspection and Consumer Service.....	2,438,950	
139	Fishermen's Indemnity Plan Administration.....	278,000	
SPECIAL			
140	Canadian share of expenses of the International Commissions detailed in the Estimates.....	930,000	
141	Acquisition of land and construction of a Research Field Station for the International Pacific Salmon Fisheries Commission	110,000	
142	Newfoundland Bait Service.....	534,700	
143	Educational work in fisheries techniques and co-operative pro- ducing and selling among fishermen.....	115,000	
144	Fisheries Prices Support Act Administration.....	66,000	
145	Payment, subject to such terms and conditions as the Governor in Council prescribes, of assistance to producers of salted fish on products designated by the Governor in Council, in the amount of 50% of the laid down cost of salt purchased for their production, including authority to charge administra- tive costs to the Vote in these Estimates which provides for administration of the Fisheries Prices Support Act.....	600,000	
146	Assistance in the construction of vessels of the dragger or long liner type, subject to such terms and conditions as may be approved by the Governor in Council.....	350,000	
147	Assistance in the construction of bait freezing and storage faci- ties, subject to the regulations established by the Governor in Council.....	30,000	
148	Destruction of dogfish and other predators.....	150,000	
FISHERIES RESEARCH BOARD OF CANADA			
149	Headquarters Administration.....	221,850	
150	Operation and Maintenance including an amount of \$55,000 for contributions towards Fisheries Research and for Scholar- ships, and authority to make recoverable advances of amounts not exceeding in the aggregate the amount of the share of the International Great Lakes Fishery Commission of the cost of work on lamprey control and lamprey research	4,653,075	
151	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,469,700	
			23,651,365
FORESTRY			
152	Departmental Administration.....	1,090,452	
153	Contributions to the Provinces for assistance in forest inventory, reforestation and forest fire protection in accordance with agreements entered into by Canada and the Provinces.....	2,650,000	
154	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Can- ada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them in establishing forest access roads and trails for the attainment of adequate fire protection as well as other as- pects of forest management.....	4,170,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	FORESTRY—Concluded		
155	Grant to Canadian Forestry Association.....	20,000	
	FOREST RESEARCH BRANCH		
156	Operation and Maintenance.....	1,949,410	
157	Construction or Acquisition of Buildings, Works, Land and Equipment.....	367,725	
	FOREST ENTOMOLOGY AND PATHOLOGY BRANCH		
158	Operation and Maintenance including \$11,600 for grants in aid of forestry research.....	3,258,429	
159	Construction or Acquisition of Buildings, Works, Land and Equipment.....	773,768	
	FOREST PRODUCTS RESEARCH BRANCH		
160	Operation and Maintenance.....	1,103,298	
161	Construction or Acquisition of Buildings, Works, Land and Equipment.....	81,345	
			15,464,427
	GOVERNOR GENERAL AND LIEUTENANT- GOVERNORS		
162	Office of the Secretary to the Governor General.....	220,633	
163	To authorize reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties up to a maximum per annum for each as follows: (a) where the population of the province at the last decen- nial census did not exceed 500,000, \$5,000; (b) where the population of the province at the last decennial census exceeded 500,000, \$5,000 plus \$1,000 per each 100,000 or fraction of 100,000 of population over 500,000, but not exceeding \$12,000 in any case.....	86,000	
			306,633
	INSURANCE		
164	Departmental Administration.....		783,123
	JUSTICE		
	A—DEPARTMENT		
165	Departmental Administration including annual contribution of \$200 to the Conference of Commissioners on Uniformity of Legislation in Canada and \$167,500 as grants to Recognized Private After-Care Agencies as may be approved by Treas- ury Board.....	1,194,583	
166	Parole Act Administration.....	654,790	
	Supreme Court of Canada—		
167	Administration.....	242,715	
	Exchequer Court of Canada—		
168	Administration.....	151,110	
	Northwest Territories—		
169	Administration of Justice in the Northwest Territories in- cluding the Northwest Territories Territorial Court... Yukon Territory—	154,794	
170	Administration of Justice in the Yukon Territory including the Yukon Territorial Court.....	140,451	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	JUSTICE—Concluded		
	A—DEPARTMENT—Concluded		
	Combines Investigation Act—		
171	Restrictive Trade Practices Commission.....	94,840	
172	Office of Investigation and Research.....	574,372	
173	Bankruptcy Act Administration.....	118,770	
	PENSIONS AND OTHER BENEFITS		
174	Gratuities to the widows or other dependents of Judges who die while in office.....	15,000	
	B—PENITENTIARIES		
175	Administration of the Office of the Commissioner of Penitentiaries.....	696,650	
176	Operation and Maintenance of Penitentiaries, including compensation to discharged inmates permanently disabled while in penitentiaries.....	17,484,919	
177	Construction, Improvements and Equipment.....	5,850,865	
			27,373,859
	LABOUR		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
178	Departmental Administration including a grant of \$10,000 to Frontier College and the expenses of the International Labour Conferences.....	1,373,104	
179	Economics and Research Branch including research grants and related expenses.....	821,935	
	Annuities Act—		
180	Administration.....	1,240,305	
181	To authorize the Governor in Council to make regulations establishing a pension plan (hereinafter called the "plan") for agents of the Minister of Labour engaged pursuant to the Government Annuities Regulations and for former agents now employed in the Government Annuities Branch, providing for, <i>inter alia</i> , rates of contributions and benefits under the plan, establishment of a special account in the Consolidated Revenue Fund for the plan, compulsory contributions by agents, payment out of the account of pensions and other benefits to or in respect of members of the plan and payment of interest on the outstanding balance of the account; Government's contribution.....	46,000	
182	Industrial Relations activities including the administration of the Industrial Relations and Disputes Investigation Act, the Canada Fair Employment Practices Act, the Female Employees Equal Pay Act, the Fair Wages and Hours of Labour Act, the Annual Vacations Act, and Regulations, and the promotion of labour-management co-operation.....	643,798	
183	Civilian Rehabilitation Branch including payments to the Provinces to implement a program for the rehabilitation of disabled persons, in accordance with terms and conditions approved by the Governor in Council.....	270,655	
	SPECIAL SERVICES		
184	Special Services Branch including the promotion of a program for combatting seasonal unemployment, the organization and use of workers for farming and related industries and assistance to the Provinces under agreements entered into with the Provinces by the Minister of Labour with the approval of the Governor in Council.....	498,860	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	LABOUR—Concluded		
	A—DEPARTMENT—Concluded		
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE		
185	Administration.....	146,905	
186	To carry out the purposes of the Technical and Vocational Training Assistance Act and agreements made thereunder, including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current fiscal year not to exceed a total of \$27,108,700— Payments to the Provinces.....	26,600,000	
	GOVERNMENT EMPLOYEES COMPENSATION		
187	Administration of the Government Employees Compensation Act.....	121,391	
	B—UNEMPLOYMENT INSURANCE COMMISSION		
188	Administration of the Unemployment Insurance Act including expenditures incurred in connection with other duties and responsibilities assumed and carried out as required by the Governor in Council on the recommendation of the Minister of Labour in accordance with section 4 of the Act.....	45,542,980	
189	Transfer of labour to and from places where employment is available and expenses incidental thereto, in accordance with regulations of the Governor in Council.....	75,000	
			77,380,933
	LEGISLATION		
	THE SENATE		
	The Speaker of the Senate—		
190	Allowance in lieu of Residence.....	3,000	
191	General Administration.....	799,862	
	HOUSE OF COMMONS		
	The Speaker of the House of Commons—		
192	Allowance in lieu of Residence.....	3,000	
	Deputy Speaker of the House of Commons—		
193	Allowance in lieu of Apartments.....	1,500	
194	Allowance to the Deputy Chairman of Committees.....	2,000	
195	Expenses of the Canada-United States Inter-Parliamentary Group, of delegates attending other inter-parliamentary conferences, expenses connected with visits of delegates from other legislatures and Canada's fee for membership in the Inter-Parliamentary Union.....	20,000	
196	Canada's share of the expenses of the Commonwealth Parliamentary Association including subscriptions to publications of the Association.....	21,000	
197	Grant to the Canadian North Atlantic Treaty Organization Parliamentary Association.....	14,000	
198	General Administration—Estimates of the Clerk.....	2,215,340	
199	Estimates of the Sergeant-at-Arms.....	1,032,470	
200	Pension to the unmarried sister of the late Colonel Harry Baker, M.P.....	700	
	LIBRARY OF PARLIAMENT		
201	General Administration.....	352,828	
			4,465,700

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS			
A—DEPARTMENT			
ADMINISTRATION SERVICES			
Departmental Administration—			
202	Administration, Operation and Maintenance	1,087,947	
203	Acquisition of Common-Use Field Survey and Other Equip- ment	247,300	
204	Explosives Act Administration	111,648	
205	Mineral Resources Division	385,471	
206	Assessment for Membership in the Pan-American Institute of Geography and History	9,150	
SURVEYS AND MAPPING BRANCH			
207	Branch Administration including a grant of \$1,000 to the Cana- dian Institute of Surveying and Photogrammetry	171,588	
208	Geodetic Survey of Canada	935,434	
209	International Boundary Commission including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the United States Government of the cost of binding annual reports and main- taining boundary range lights	88,799	
Topographical Surveys—			
210	Administration, Operation and Maintenance	2,209,626	
211	Construction or Acquisition of Equipment	92,000	
Canadian Hydrographic Service—			
212	Administration, Operation and Maintenance including Canada's fee for membership in the International Hy- drographic Bureau	5,370,081	
213	Construction or Acquisition of Buildings, Works, Land and Equipment	7,633,030	
214	Legal Surveys and Aeronautical Charts	844,905	
215	Provincial and Territorial Boundary Surveys including author- ity to make recoverable advances in amounts not exceeding in the aggregate the amounts of the shares of the Provincial Governments of the costs of the surveys	19,785	
Map Compilation and Reproduction—			
216	Administration, Operation and Maintenance	1,642,306	
217	Construction or Acquisition of Equipment	39,900	
GEOLOGICAL SURVEY OF CANADA			
218	Administration, Operation and Maintenance including Canada's share of the cost of the Geological Liaison Office, British Commonwealth Scientific Conference, London, England, and \$75,000 for grants in aid of Geological Research in Cana- dian Universities	4,937,624	
219	Construction or Acquisition of Equipment	366,210	
MINES BRANCH			
220	Administration, Operation and Maintenance	4,480,543	
221	Construction or Acquisition of Buildings, Works and Equipment	327,552	
GEOGRAPHICAL BRANCH			
222	Administration, Operation and Maintenance including the ex- penses of the Canadian Board on Geographical Names (for- merly under Surveys and Mapping Branch Administration) and a grant of \$500 to the Canadian Association of Geo- graphers	500,626	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS—Concluded			
A—DEPARTMENT—Concluded			
DOMINION OBSERVATORIES			
	Dominion Observatory, Ottawa and Field Stations—		
223	Administration, Operation and Maintenance including the expenses of the National Committee for Canada of the International Astronomical Union, Canada's fee for membership in the International Astronomical Union and a grant of \$3,500 to the Royal Astronomical Society of Canada.....	1,568,575	
224	Construction or Acquisition of Buildings, Works, Land and Equipment.....	493,050	
	Dominion Astrophysical Observatory, Victoria, B.C.—		
225	Administration, Operation and Maintenance.....	206,013	
226	Construction or Acquisition of Buildings, Works, Land and Equipment.....	160,600	
GENERAL			
227	Purchases of Air Photography and the expenses of the Inter-departmental Committee on Air Surveys.....	1,300,000	
228	Polar Continental Shelf Project.....	1,553,595	
B—DOMINION COAL BOARD			
229	Administration and Investigations of the Dominion Coal Board	126,345	
230	Payments in connection with the movements of coal under conditions prescribed by the Governor in Council.....	13,244,900	
231	Subventions in respect of eastern coal under agreements entered into pursuant to the Atlantic Provinces Power Development Act.....	1,700,000	
			51,854,603
NATIONAL DEFENCE			
232	Departmental Administration.....	3,455,378	
INSPECTION SERVICES			
233	Operation and Maintenance.....	7,224,436	
234	Construction or Acquisition of Buildings, Works, Land and Equipment.....	211,000	
ROYAL CANADIAN NAVY			
235	Operation and Maintenance.....	208,135,049	
236	Construction or Acquisition of Buildings, Works, Land and Major Equipment.....	71,823,500	
CANADIAN ARMY			
237	Operation and Maintenance.....	359,572,000	
238	Construction or Acquisition of Buildings, Works, Land and Major Equipment.....	60,556,000	
ROYAL CANADIAN AIR FORCE			
239	Operation and Maintenance.....	536,666,000	
240	Construction or Acquisition of Buildings, Works, Land and Major Equipment.....	235,887,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NATIONAL DEFENCE—Concluded			
DEFENCE RESEARCH AND DEVELOPMENT			
	Defence Research Board—		
241	Operation and Maintenance.....	24,993,564	
242	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,810,813	
243	Development.....	14,200,000	
MUTUAL AID			
244	Contributions to infrastructure and military costs of the North Atlantic Treaty Organization and the transfer of defence equipment and supplies and the provision of services and facilities for defence purposes in accordance with section 3 of The Defence Appropriation Act, 1950, not exceeding a total of \$40,798,000 including the present value of defence equipment or supplies or the cost of services made available by the Canadian Forces estimated in the amount of \$24,848,000 and provided by appropriations for those forces in the current and former years in respect of which, notwith- standing subsection (3) of section 3 of the said Act, no amount shall be charged to this appropriation or paid into a special account; Provided by this vote.....	15,950,000	
NATIONAL DEFENCE GENERAL			
245	To authorize, notwithstanding section 30 of the Financial Ad- ministration Act, and subject to allotment by the Treasury Board, total commitments of \$2,674,046,619 for the pur- poses of the foregoing votes relating to National Defence, regardless of the year in which such commitments will come in course of payment (of which it is estimated that \$1,123,561,879 will come due for payment in future years)...	1	
GENERAL SERVICES			
246	Grants to Military Associations, Institutes and Others as de- tailed in the Estimates.....	230,795	
247	Grants to the Town of Oromocto, subject to the approval of Treasury Board, for municipal services including the main- tenance and operation of schools and to promote the develop- ment of the Town.....	2,000,000	
248	Grants to Provinces and Municipalities for Civil Defence and Related Purposes.....	4,350,000	
PENSIONS AND OTHER BENEFITS			
249	Civil Pensions, as detailed in the Estimates.....	3,406	
250	To authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, pay- ments to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act, as amended, had such service as instructors been mili- tary service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organization.....	2,780	
			1,551,071,722

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NATIONAL FILM BOARD			
251	Administration, Production and Distribution of Films and Other Visual Materials.....	4,988,112	
252	Acquisition of Equipment.....	172,380	
			5,160,492
NATIONAL GALLERY OF CANADA			
253	Administration, Operation and Maintenance including grants as detailed in the Estimates.....	975,116	
254	Payment to the National Gallery Purchase Account for the purpose of acquiring works of art in conformity with section 8 of the National Gallery Act.....	200,000	
			1,175,116
NATIONAL HEALTH AND WELFARE			
255	Departmental Administration.....	1,821,267	
NATIONAL HEALTH BRANCH			
Health Services, including Assistance to the Provinces—			
256	Administration.....	459,645	
257	Consultant and Advisory Services.....	835,749	
258	Laboratory and Advisory Services.....	2,402,074	
259	To authorize General Health Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$37,954,391.....	30,000,000	
260	To authorize Hospital Construction Grants to the Provinces, the Northwest Territories and the Yukon Territory upon the terms and in the amounts detailed in the Estimates and under terms and conditions approved by the Governor in Council including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$29,660,152.....	17,000,000	
Indian and Northern Health Services—			
261	Operation and Maintenance.....	22,882,398	
262	Construction or Acquisition of Buildings, Works, Land and Equipment including payments to hospitals and other institutions which care for Indians and Eskimos as contributions toward the construction of hospitals and related facilities.....	2,087,800	
263	Medical Advisory, Diagnostic and Treatment Services.....	4,201,995	
264	Administration of the Food and Drugs and the Proprietary or Patent Medicine Acts.....	2,276,235	
265	Administration of the Opium and Narcotic Drugs Act.....	276,810	
WELFARE BRANCH			
Family Allowances and Old Age Security—			
266	Administration.....	3,341,497	
Old Age and Unemployment Assistance, Blind Persons and Disabled Persons Allowances—			
267	Administration.....	157,680	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL HEALTH AND WELFARE—Concluded		
	GENERAL		
268	Grants to Health and Welfare and Related Organizations, as detailed in the Estimates.....	262,750	
269	Emergency Health, Welfare and Training Services.....	8,004,165	
			96,010,565
	NATIONAL RESEARCH COUNCIL INCLUDING THE MEDICAL RESEARCH COUNCIL		
270	Salaries and Other Expenses.....	32,902,571	
271	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,162,943	
			38,065,514
	NATIONAL REVENUE		
	CUSTOMS AND EXCISE DIVISIONS		
272	General Administration.....	5,278,399	
273	Inspection, Investigation and Audit Services.....	4,758,675	
	Ports—		
274	Operation and Maintenance including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year from firms and individuals requiring special services.....	31,524,015	
275	Construction or Acquisition of Buildings, Works, Land and Equipment.....	579,000	
	TAXATION DIVISION		
276	General Administration.....	3,835,900	
277	District Offices.....	32,527,133	
	TAX APPEAL BOARD		
278	Administration Expenses.....	130,770	
			78,633,892
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
279	Departmental Administration including Canada's share of the expenses of the "Resources for Tomorrow" Conference.....	1,105,390	
280	Northern Co-ordination and Research including a grant of \$10,000 to the Arctic Institute of North America, and an amount of \$5,000 for grants in aid of northern research subject to approval by the Treasury Board.....	141,450	
281	Contributions to the Provinces, pursuant to agreements entered into with the approval of the Governor in Council, by Canada with the Provinces, of amounts equal to one-half of the amounts confirmed by the Provinces as having been spent by them for Camp-ground and Picnic Area Developments.....	1,700,000	
282	Contributions to the Provinces to assist in the development of roads leading to resources in accordance with agreements entered into by Canada and the Provinces.....	12,000,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NORTHERN AFFAIRS AND NATIONAL RESOURCES—Continued			
NATIONAL PARKS BRANCH			
283	Branch Administration.....	268,584	
284	National Parks and Historic Sites and Monuments— Administration, Operation and Maintenance.....	8,248,914	
285	Construction or Acquisition of Buildings, Works, Land and Equipment.....	16,149,217	
286	National Aviation Museum.....	139,875	
287	Grant to Jack Miner Migratory Bird Foundation.....	5,000	
288	Grant in aid of the development of the International Peace Gar- den in Manitoba.....	15,000	
289	To authorize payment to the National Battlefields Commission for the purposes and subject to the provisions of an Act respec- ting the National Battlefields at Quebec (Chap. 57, Statutes of 1908, as amended).....	211,286	
290	Canadian Wildlife Service— Wildlife Resources Conservation and Development, includ- ing Administration of the Migratory Birds Convention Act.....	823,390	
WATER RESOURCES BRANCH			
291	Water Resources Branch— Administration, Operation and Maintenance, including Canada's share of the expenses of the International Exe- cutive Council, World Power Conference, and authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the shares of the Pro- vince of Manitoba and of the Province of Ontario of the cost of regulating the levels of Lake of the Woods and Lac Seul and the amount of the shares of Provincial and outside agencies of the cost of hydrometric surveys....	1,754,455	
292	Construction or Acquisition of Buildings, Works, Land and Equipment and authority to make recoverable ad- vances in amounts not exceeding in the aggregate the amount of the shares of Provincial and outside agencies of the cost of hydrometric surveys.....	201,950	
293	Studies and surveys of the Columbia River Watershed in Can- ada.....	47,310	
294	Fraser River—Federal expenditures in connection with investi- gations to be carried out by the Fraser River Board.....	322,500	
295	Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces.....	1,950,000	
296	Nelson—Saskatchewan Basin Study—Expenditures in connec- tion with investigations to be carried out in accordance with terms and conditions approved by the Governor in Council	204,000	
NORTHERN ADMINISTRATION BRANCH			
297	Branch Administration including authority to make recoverable advances for services performed on behalf of the Govern- ments of the Northwest Territories and the Yukon Terri- tory.....	1,133,935	
298	Education Division— Administration, Operation and Maintenance including au- thority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Government of the Northwest Territories of expendi- tures on education and vocational training.....	5,309,805	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES—Concluded		
	NORTHERN ADMINISTRATION BRANCH—Concluded		
	<i>Education Division—Concluded</i>		
299	Construction or Acquisition of Buildings, Works, Land and Equipment including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the share of the Government of the Northwest Territories of expenditures on education and vocational training.....	2,112,200	
	<i>Welfare and Industrial Divisions—</i>		
300	Administration, Operation and Maintenance.....	1,977,426	
301	Construction or Acquisition of Buildings, Works, Land and Equipment.....	555,050	
	<i>Yukon Territory—</i>		
302	Operation and Maintenance including grants and contributions as detailed in the Estimates.....	1,518,775	
303	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,342,400	
	<i>Northwest Territories and Other Field Services—</i>		
304	Operation and Maintenance including grants and contributions as detailed in the Estimates and authority to make recoverable advances for services performed on behalf of the Government of the Northwest Territories.....	6,332,049	
305	Construction or Acquisition of Buildings, Works, Land and Equipment including costs arising out of the relocation of the town of Aklavik and payment of such compensation as the Governor in Council prescribes to persons affected by such relocation.....	9,261,140	
	NATIONAL MUSEUM OF CANADA		
306	Administration, Operation and Maintenance.....	855,972	
	CANADIAN GOVERNMENT TRAVEL BUREAU		
307	To assist in promoting the Tourist Business in Canada including a grant of \$5,000 to the Canadian Tourist Association.....	3,019,963	82,707,036
	POST OFFICE		
308	Departmental Administration including Canada's share of the upkeep of the International Bureaux at Berne and Montevideo.....	2,174,216	
309	Operations including salaries and other expenses of Staff Post Offices, District Offices, Railway Mail Service Staffs, and supplies, equipment and other items for Revenue Post Offices, including Administration.....	121,039,796	
310	Transportation—Movement of Mail by Land, Air and Water, including Administration.....	64,180,536	
311	Financial Services including audit of revenue, money order and Savings Bank business; and postage stamps.....	3,379,630	
			190,774,178

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PRIVY COUNCIL		
312	Payment, notwithstanding anything in the Financial Administration Act or the Senate and House of Commons Act respecting the independence of Parliament, to each member of the Queen's Privy Council for Canada who is a Minister for whom no salary or allowance in addition to the allowances under section 33 and section 44 of the Senate and House of Commons Act is provided (the acceptance of which shall not render such member ineligible or disqualify him as a Member of the House of Commons) of a salary of \$7,500 per annum and pro rata for any period less than a year.....	7,500	
	PRIVY COUNCIL OFFICE		
313	General Administration.....	563,390	
	PRIME MINISTER'S RESIDENCE		
314	Maintenance and Operation.....	25,000	
	EMERGENCY MEASURES		
315	Administration and Operation of the Emergency Measures Organization.....	1,053,453	
316	Construction of houses for officers at regional emergency headquarters.....	200,000	
	SPECIAL		
317	Expenses of the Royal Commission on railway problems including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	40,870	
318	Expenses of the Royal Commission on Government Organization including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	750,000	
			2,640,213
	PUBLIC ARCHIVES AND NATIONAL LIBRARY		
	A—PUBLIC ARCHIVES		
319	General Administration and Technical Services.....	716,268	
	B—NATIONAL LIBRARY		
320	General Administration.....	269,281	
321	Payment to the National Library Purchase Account for the purpose of acquiring books, in conformity with section 12 of the National Library Act.....	40,000	
			1,025,549

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
PUBLIC PRINTING AND STATIONERY			
322	Departmental Administration.....	767,360	
323	Purchasing, Stationery and Stores.....	1,212,540	
324	Distribution of Official Documents.....	560,521	
325	Printing and Binding Official Publications for Sale and Distribution to Departments and the public.....	750,000	
326	Printing of Canada Gazette.....	140,000	
327	Printing and Binding the Annual Statutes.....	35,000	
328	Plant Equipment and Replacements.....	250,577	
			3,715,998
PUBLIC WORKS			
329	General Administration including a grant of \$2,000 to the Canadian Good Roads Association.....	10,667,720	
PUBLIC BUILDINGS CONSTRUCTION AND SERVICES			
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—		
330	Newfoundland.....	205,000	
331	Nova Scotia.....	1,425,000	
332	Prince Edward Island.....	45,000	
333	New Brunswick.....	1,070,000	
334	Quebec.....	4,680,000	
335	Ottawa.....	11,320,000	
336	Ontario (other than Ottawa).....	6,332,000	
337	Manitoba.....	715,000	
338	Saskatchewan.....	1,554,000	
339	Alberta.....	1,312,000	
340	British Columbia.....	2,680,000	
341	Yukon and Northwest Territories.....	1,410,000	
342	Outside Canada.....	250,000	
343	Improvements Generally and Miscellaneous Buildings— Not more than \$25,000 to be expended on any one project without the approval of Treasury Board.....	1,000,000	
344	Maintenance and Operation of Public Buildings and Grounds...	44,794,200	
345	Furniture and Furnishings for Government Departments.....	2,943,808	
346	Work in the interest of Fire Prevention including a grant of \$5,000 to the Canadian Joint Fire Prevention Publicity Committee	202,780	
HARBOURS AND RIVERS ENGINEERING SERVICES			
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—		
347	Newfoundland.....	6,593,500	
348	Nova Scotia.....	2,981,500	
349	Prince Edward Island.....	475,000	
350	New Brunswick.....	1,896,000	
351	Quebec.....	6,926,000	
352	Ontario.....	10,786,500	
353	Manitoba and Saskatchewan.....	130,000	
354	Alberta and Northwest Territories.....	292,000	
355	British Columbia and Yukon.....	2,414,500	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
PUBLIC WORKS—Continued			
HARBOURS AND RIVERS ENGINEERING SERVICES—Concluded			
356	Construction or Acquisition of Buildings, Works, Land and Equipment.....	220,500	
357	Remedial works where damages are caused by, or endanger, navigation or Federal Government structures.....	800,000	
358	Repairs and Upkeep, including reconstruction and replacements for the maintenance of services; no new works to be undertaken.....	3,000,000	
Dredging—			
359	Maintenance and Operation of Plant and Contract and Day Labour Works.....	4,090,205	
360	Construction or Acquisition of Plant and Equipment.....	2,676,000	
361	Maintenance and Operation of Graving Docks, Locks and Dams	803,765	
DEVELOPMENT ENGINEERING SERVICES			
362	Canada's share of the cost of International and Interprovincial bridges, as detailed in the Estimates.....	1,395,000	
363	Towards replacement of Low Level Burlington Canal Bridge...	1,900,000	
364	Towards an investigation to determine the feasibility of constructing a proposed Causeway across Northumberland Strait, including the opening of a test quarry.....	50,000	
365	Towards installation of a water supply system at Churchill, Manitoba.....	967,000	
366	Roads and Bridges—Maintenance and Operation including authority to make recoverable advances in amounts not exceeding in the aggregate the amount of the operating expenses of the New Westminster Bridge.....	300,735	
367	Testing Laboratories—Operation and Maintenance.....	1,112,591	
Trans-Canada Highway—			
368	Construction through National Parks.....	7,476,000	
GENERAL			
369	Advance planning of projects including acquisition of sites.....	1,500,000	
370	Balances required to complete any projects undertaken in previous fiscal years and for which no specific provision is made in the fiscal year 1961-62.....	1,000,000	
371	Miscellaneous Works not otherwise provided for, including expenditures on works on other than federal property: a maximum of \$15,000 may be expended in respect of any one work and, with the approval of Treasury Board, that maximum may be increased to \$25,000.....	2,450,000	
372	To supplement, on approval of Treasury Board except where less than \$1,000 is required, any of the appropriations of the Department of Public Works.....	700,000	
CENTRAL MORTGAGE AND HOUSING CORPORATION			
373	Expenses incurred in constructing and supervising construction of married quarters, rental housing, schools and related services on behalf of the Department of National Defence....	540,000	
374	Additional amount for Housing Research and Community Planning as contemplated by Part V of the National Housing Act, 1954, and to authorize commitments against future years in the amount of \$585,900.....	1,649,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	PUBLIC WORKS—Concluded		
	NATIONAL CAPITAL COMMISSION (formerly under Privy Council)		
375	Operation and Maintenance of parks, parkways and grounds adjoining Government Buildings at Ottawa and Hull, and General Administration.....	2,311,240	
376	Interest charges on outstanding loans that were made for the purpose of acquiring property in the National Capital Region.....	1,400,000	
377	Payment to the National Capital Fund.....	5,100,000	
			166,548,544
	ROYAL CANADIAN MOUNTED POLICE		
	Headquarters Administration and National Police Services—		
378	Operation and Maintenance.....	7,904,906	
379	Construction or Acquisition of Buildings, Works, Land and Equipment.....	85,088	
	Land, Air and Training Divisions—		
380	Operation and Maintenance.....	41,915,086	
381	Construction or Acquisition of Buildings, Works, Land and Equipment.....	4,051,062	
	Marine Services—		
382	Operation and Maintenance.....	1,886,590	
383	Construction or Acquisition of Buildings, Works, Land and Equipment.....	103,976	
384	Grant to the Canadian Association of Chiefs of Police.....	500	
385	Grant to the Royal Canadian Mounted Police Veterans' Association.....	500	
	PENSIONS AND OTHER BENEFITS		
386	Pensions to families of members of the Mounted Police who have lost their lives while on duty, as detailed in the Estimates.....	14,022	
			55,961,730
	SECRETARY OF STATE		
387	Departmental Administration.....	332,439	
388	Companies Division.....	143,140	
389	Trade Marks Division including a contribution to the International Office for the Protection of Industrial Property.....	223,658	
390	Bureau for Translations.....	1,811,686	
	PATENT AND COPYRIGHT OFFICE		
391	Administration Division.....	138,104	
392	Patent Division.....	2,464,547	
393	Copyright and Industrial Designs Division including a contribution to the International Office for the Protection of Literary and Artistic Works.....	38,265	
			,151,839

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
TRADE AND COMMERCE			
A—DEPARTMENT			
GENERAL ADMINISTRATION			
394	Departmental Administration, including fees for membership in the International Organizations listed in the Details of the Estimates (also includes the National Industrial Design Council transferred from the National Gallery).....	3,275,445	
	Trade Commissioner Service—		
395	Administration and Operation.....	4,421,701	
396	Construction or Acquisition of Buildings, Land, Equipment and Furnishings.....	105,000	
397	Exhibitions Branch.....	1,241,309	
398	Standards Branch.....	2,758,668	
399	Dominion Bureau of Statistics, including the fee for membership in the Inter-American Statistical Institute and a contribution of \$500 to the International Statistical Institute.....	12,596,591	
400	1961 Decennial Census of Canada.....	13,539,378	
B—NATIONAL ENERGY BOARD			
401	Administration.....	544,970	
			38,483,062
TRANSPORT			
A—DEPARTMENT			
402	Departmental Administration.....	3,395,700	
MARINE SERVICES			
403	Marine Services Administration, including Agencies.....	1,032,610	
	Aids to Navigation—		
404	Administration, Operation and Maintenance including fees for membership in the International Organizations listed in the Details of the Estimates.....	6,783,790	
405	Construction or Acquisition of Buildings, Works, Land and Equipment.....	5,290,000	
	Canals—		
406	Administration, Operation and Maintenance.....	2,398,550	
407	Construction or Acquisition of Buildings, Works, Land and Equipment, including payments to Provinces or Municipalities as contributions towards construction done by those bodies.....	1,850,230	
	St. Lawrence and Saguenay Rivers Ship Channels—		
408	Administration, Operation and Maintenance.....	1,891,389	
409	Construction or Acquisition of Buildings, Works, Land and Equipment.....	4,952,000	
	Canadian Marine Service—		
410	Administration, Operation and Maintenance including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current fiscal year not to exceed a total amount of \$20,379,688.....	18,864,688	
411	Construction or Acquisition of Ships and Equipment.....	14,500,000	
	Marine Regulations including Pilotage and Marine Reporting Services—		
412	Administration, Operation and Maintenance including grants and contributions as detailed in the Estimates.....	3,600,129	
413	Construction or Acquisition of Buildings, Works Land and Equipment.....	2,229,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
TRANSPORT—Continued			
A—DEPARTMENT—Continued			
RAILWAY AND STEAMSHIP SERVICES			
414	Newfoundland Coastal Services—Construction or Acquisition of Passenger-Cargo Vessels and Equipment and Harbour Facilities.....	4,340,000	
415	Construction or Acquisition of Auto-Ferry Vessels and Equipment as listed in the details of the Estimates, provided that Treasury Board may increase or decrease the amount within the vote to be expended upon individual listed projects. . . .	1,545,000	
416	Construction of Dock and Terminal Facilities at Port aux Basques, Newfoundland.....	134,300	
417	Enlargement of Dock and Terminal Facilities at North Sydney, Nova Scotia.....	31,900	
	Payments to the Canadian National Railway Company (hereinafter called the Company) upon applications approved by the Minister of Transport made by the Company to the Minister of Finance, to be applied by the Company in payment of the deficits, certified by the auditors of the Company, arising in the operations in the calendar year 1961—		
418	Newfoundland Ferry and Terminals.....	6,585,000	
419	Prince Edward Island Car Ferry and Terminals.....	2,845,000	
420	Prince Edward Island Car Ferry and Terminals—Construction or Acquisition of Buildings, Works, Land and Equipment..	980,000	
421	Yarmouth, Nova Scotia—Bar Harbour, Maine, U.S.A., Ferry Service—Deficit, 1961.....	339,000	
422	Maritime Freight Rates Act—Payment to the Railway Companies operating in the select territory designated by the Act, of the difference occurring on account of the application of the Act, between the tariff tolls and normal tolls under approved tariffs (estimated and certified to the Minister of Transport by the Canadian National Railway Company and approved by auditors of the said Company respecting the Eastern Lines of the Canadian National Railways and in the case of the Other Railways by the Board of Transport Commissioners for Canada) on all traffic moved during the calendar year 1961.....	14,750,000	
423	Railway to Great Slave Lake—Location Survey.....	550,000	
424	Repairs and expenses in connection with the operation and maintenance of Official Railway Cars under the jurisdiction of the Department.....	62,200	
425	Degaussing Canadian Government Ships and Canadian-owned merchant ships, of 1,000 gross tons and over, of Canadian registry, or of United Kingdom registry if subject to re-transfer to Canadian registry under special inter-governmental arrangement.....	190,000	
PENSIONS AND OTHER BENEFITS			
426	Amount required to pay pensions at the rate of \$300 per annum to former pilots: Raoul Lachance; Jules Lamarre; Wilhelm Langlois; Auguste Santerre.....	1,200	
427	Railway Employees' Provident Fund—To supplement pension allowances under the Intercolonial and Prince Edward Island Railway Employees' Provident Fund Act so as to make the minimum allowance payable in the calendar year 1961 \$30 per month instead of \$20 per month as fixed by the said Act.....	8,200	
428	Supplemental Pension Allowances to former employees of Newfoundland Railways Steamships and Telecommunications Services transferred to Canadian National Railways.....	105,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
TRANSPORT—Continued			
A—DEPARTMENT—Continued			
AIR SERVICES			
Administrative Branch			
429	Air Services Administration.....	1,852,117	
430	Construction Services Administration.....	3,708,165	
Civil Aviation Branch			
431	Control of Civil Aviation including the Administration of the Aeronautics Act and Regulations issued thereunder.....	3,115,149	
432	Airports and Other Ground Services—Operation and Maintenance.....	21,508,485	
433	Air Traffic Control.....	7,680,749	
434	Construction or Acquisition of Buildings, Works, Land and Equipment with respect to national airports (as determined by the Minister of Transport) and related facilities; contributions towards construction done by local or private authorities with respect to such airports, amounts to be paid in settlement of claims for compensation by persons whose property is injuriously affected by the operation of a zoning regulation made under authority of paragraph (j) of subsection (1) of section 4 of the Aeronautics Act and authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current year not to exceed a total amount of \$69,893,200.....	60,900,000	
435	Contributions, in accordance with terms and conditions approved by the Governor in Council, to assist in the establishment or improvement of local airports and related facilities.....	161,000	
436	Grants for the development of Civil Aviation, in the amounts detailed in the Estimates.....	430,000	
437	Payments to the Other Governments or International Agencies that are detailed in the Estimates for the operation and maintenance of airports, air navigation and airways facilities, including authority to pay assessments in the amounts and in the currencies in which they are levied, notwithstanding that the total of such payments may exceed the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	215,592	
Telecommunications and Electronics Branch			
Radio Aids to Air and Marine Navigation—			
438	Administration, Operation and Maintenance.....	18,974,780	
439	Construction or Acquisition of Buildings, Works, Land and Equipment.....	14,400,000	
Radio Act and Regulations—			
440	Administration, Operation and Maintenance including Canada's share of the costs of the international radio, telegraph and telephone organizations listed in the Details of the Estimates.....	2,971,548	
441	Construction or Acquisition of Buildings, Works, Land and Equipment.....	400,500	
Telegraph and Telephone Service—			
442	Administration, Operation and Maintenance.....	72,115	
443	Construction or Acquisition of Buildings, Works, Land and Equipment.....	77,400	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT—Continued		
	A—DEPARTMENT—Concluded		
	AIR SERVICES—Concluded		
	Meteorological Branch		
444	Administration, Operation and Maintenance, including Canada's assessment for membership in the World Meteorological Organization and \$25,000 for grants in aid of meteorological research in Canadian universities.....	17,121,292	
445	Construction or Acquisition of Buildings, Works, Land and Equipment.....	1,769,800	
	B—GENERAL		
	AIR TRANSPORT BOARD		
446	Salaries and Other Expenses including the Canadian Delegation to the International Civil Aviation Organization.....	550,469	
	BOARD OF TRANSPORT COMMISSIONERS FOR CANADA		
447	Administration, Operation and Maintenance.....	1,249,433	
448	Amount to be credited to the Railway Grade Crossing Fund, in addition to the amount to be credited to the Fund under the Railway Act in the current fiscal year, for the general purposes of the Fund, and authority, notwithstanding section 30 of the Financial Administration Act, to make commitments pursuant to this item for the current and subsequent fiscal years not to exceed a total amount of \$10,000,000.....	5,000,000	
	CANADIAN MARITIME COMMISSION		
449	Administration.....	169,955	
450	Steamship Subventions for Coastal Services, as detailed in the Estimates.....	6,466,459	
	NATIONAL HARBOURS BOARD		
451	Advances to National Harbours Board, subject to the provisions of section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1961 on any or all of the following accounts: Reconstruction and Capital Expenditures—		
	Halifax.....	\$ 905,065	
	Saint John.....	2,452,000	
	Chicoutimi.....	15,000	
	Quebec.....	2,120,000	
	Churchill.....	2,460,000	
	Generally—Unforeseen and Miscellaneous....	200,000	
		<u>\$8,152,065</u>	
	Less—Amount to be expended from Replacement and Other Funds.....	1,962,513	
			6,189,552

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT— <i>Concluded</i>		
	B—GENERAL— <i>Concluded</i>		
	ST. LAWRENCE SEAWAY AUTHORITY		
452	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority with the approval of the Governor in Council, and to authorize, notwithstanding the Financial Administration Act or any other Act, the disbursement by the Authority of revenues derived from the operation and management of such Canals and Works.....	1,123,356	275,362,802
	VETERANS AFFAIRS		
453	Departmental Administration.....	2,550,941	
454	District Services—Administration.....	3,556,427	
455	Veterans' Welfare Services.....	3,891,673	
	Treatment Services—		
456	Operation of Hospitals and Administration including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for hospital and related services.....	45,217,346	
457	Medical Research and Education.....	389,000	
458	Hospital Construction, Improvements, Equipment and Acquisition of Land.....	5,362,000	
459	Prosthetic Services—Supply, Manufacture and Administration including authority, notwithstanding the Financial Administration Act, to spend revenue received during the year for prosthetic and related services.....	1,417,258	
460	Veterans' Bureau.....	716,012	
461	War Veterans Allowance Board—Administration.....	170,994	
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
462	War Veterans Allowances.....	59,845,000	
463	Assistance Fund (War Veterans Allowances).....	3,745,000	
464	Treatment and Other Allowances.....	2,400,000	
	MISCELLANEOUS PAYMENTS		
465	Burials and Memorials.....	1,435,500	
466	Grant to Army Benevolent Fund.....	18,000	
467	Grant to Royal Canadian Legion.....	9,000	
	CANADIAN PENSION COMMISSION		
468	Administration Expenses.....	2,693,268	
469	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C. 45/8343 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards.....	147,484,000	
470	Gallantry Awards—World War II and Special Force.....	24,500	
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT		
471	Administration of Veterans Land Act; Soldier Settlement and British Family Settlement.....	4,982,050	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	VETERANS AFFAIRS—Concluded		
	SOLDIER SETTLEMENT AND VETERANS' LAND ACT—Concluded		
472	Upkeep of property, Veterans' Land Act, including engineering and other investigational planning expenses that do not add tangible value to real property; taxes, insurance and maintenance of public utilities.....	35,050	
473	Grants to veterans settled on Provincial Lands in accordance with agreements with Provincial Governments under section 38 of the Veterans' Land Act and grants to veterans settled on Dominion Lands, in accordance with an agreement with the Minister of Northern Affairs and National Resources under section 38 of the Veterans' Land Act.....	75,000	
474	Grants to Indian veterans settled on Indian Reserve Lands under section 39 of the Veterans' Land Act.....	60,000	
475	Reduction of indebtedness to the Director of Soldier Settlement of a settler in respect of a property in his possession, the title of which is held by the Director, or such Soldier Settler Loans which are administered by the Indian Affairs Branch of the Department of Citizenship and Immigration, by an amount which will reduce his indebtedness to an amount in keeping with the productive capacity of the property or his ability to repay his indebtedness under regulations approved by the Governor in Council.....	1,000	
476	To authorize, subject to the approval of the Governor in Council, necessary remedial work on properties constructed under individual firm price contracts and sold under the Veterans' Land Act and to correct defects for which neither the veteran nor the contractor can be held financially responsible; and for such other work on other properties as may be required to protect the interest of the Director therein.....	6,000	
	TERMINABLE SERVICES		
477	Veterans Benefits, including Assistance and the training of certain Pensioners under regulations approved by the Governor in Council.....	769,450	
478	Repayments in such amounts as the Minister of Veterans Affairs determines, not exceeding the whole of amounts equivalent to the compensating adjustments or payments made under the Acts hereunder referred to, where the persons who made the compensating adjustments or payments received no benefits under the Veterans' Land Act, or where, having had financial assistance under the last mentioned Act, they are deemed by the Minister on termination of their Veterans' Land Act contracts or agreements to have derived thereunder either no benefits or benefits that are less than the amounts of the compensating adjustments or payments— Repayments under subsection (3) of section 12 of the Veterans Rehabilitation Act.....	5,000	286,859,469
	LOANS, INVESTMENTS AND ADVANCES		
	ATOMIC ENERGY OF CANADA LIMITED		
479	Advances to Atomic Energy of Canada Limited in such amounts and on such terms and conditions (including the delivery to Her Majesty, in satisfaction of the advances, of obligations or shares of the Company) as the Governor in Council may approve, to finance the construction of the Douglas Point Generating Station (formerly described as an atomic reactor (CANDU) and auxiliary buildings, etc.).....	9,075,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
LOANS, INVESTMENTS AND ADVANCES—Continued			
CITIZENSHIP AND IMMIGRATION			
480	To authorize loans, in accordance with terms and conditions prescribed by the Governor in Council, to Indians in the current and subsequent fiscal years to assist them in acquiring housing.....	100,000	
EXTERNAL AFFAIRS			
481	Additional advance to the Working Capital Fund of the World Health Organization in an amount of \$17,949 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of December, 1960, which is.....	17,556	
NATIONAL DEFENCE			
482	To authorize loans to be made in the current and subsequent fiscal years in respect of housing projects constructed, pursuant to an agreement with the Minister of National Defence, for occupancy by members of the Canadian Forces; such loans to be at interest rates and in accordance with such terms and conditions as the Governor in Council prescribes	5,000,000	
NORTHERN AFFAIRS AND NATIONAL RESOURCES			
<i>Northern Administration Branch</i>			
483	To increase to \$250,000 the amount that may be charged at any time to the Eskimo Loan Fund, established by Vote 546, Appropriation Act No. 3, 1953; additional amount required.	100,000	
484	To authorize loans in the current and subsequent fiscal years in accordance with terms and conditions prescribed by the Governor in Council, not exceeding in the aggregate \$145,300, to the Government of the Yukon Territory to enable that Government to purchase land at a cost of \$17,800 and to loan to the City of Whitehorse an amount of \$127,500 to enable the City to build roads and construct water and sewer systems in a new sub-division.....	145,300	
485	To authorize loans in the current and subsequent fiscal years in accordance with terms and conditions prescribed by the Governor in Council, not exceeding in the aggregate \$75,000, to the Government of the Yukon Territory for the development of low rental accommodation, and to authorize the Commissioner in Council to make ordinances for the borrowing and lending of such money by the Commissioner of the Yukon Territory or by a housing authority established by an ordinance of the Commissioner in Council on behalf of the Territory and for the repayment thereof out of the Yukon Consolidated Revenue Fund.....	75,000	
<i>Northern Canada Power Commission</i>			
486	Advances to the Northern Canada Power Commission for the purpose of capital expenditures in accordance with subsection (1) of section 15 of the Northern Canada Power Commission Act.....	242,000	
487	Advances in accordance with agreements entered into pursuant to the Atlantic Provinces Power Development Act.....	6,367,000	

SCHEDULE A—Continued

No. of Vote	Service	Amount	Total
		\$	\$
LOANS, INVESTMENTS AND ADVANCES—Continued			
PUBLIC WORKS			
<i>Central Mortgage and Housing Corporation</i>			
488	Advances to Central Mortgage and Housing Corporation for the purposes of subsection (1) of section 37 of the National Housing Act, 1954, in respect of planning the development of Corporation owned land.....	115,000	
<i>National Capital Commission</i>			
489	Loans to the National Capital Commission in accordance with section 16 of the National Capital Act for the purpose of acquiring property in the National Capital Region, excluding property being acquired for the purpose of establishing what is commonly referred to as the "Greenbelt".....	2,300,000	
490	Loans to the National Capital Commission, in the current and subsequent fiscal years, in accordance with section 16 of the National Capital Act for the purpose of acquiring property in that area of the National Capital Region commonly referred to as the "Greenbelt".....	8,000,000	
TRANSPORT			
<i>Canadian Overseas Telecommunication Corporation</i>			
491	Loan to the Canadian Overseas Telecommunication Corporation in accordance with section 14 of the Canadian Overseas Telecommunication Corporation Act for additions and betterments to facilities.....	8,000,000	
<i>National Harbours Board</i>			
492	Advances to National Harbours Board, subject to the provisions of section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1961 on any or all of the following accounts: Reconstruction and Capital Expenditures— Three Rivers.....\$ 410,000 Montreal..... 19,217,324 Vancouver..... 1,872,125 \$21,499,449 Less—Amount to be expended from Replacement and Other Funds..... 3,595,457	17,903,992	
<i>St. Lawrence Seaway Authority</i>			
493	Loans to the St. Lawrence Seaway Authority in such manner and subject to such terms and conditions as the Governor in Council may approve.....	15,000,000	

SCHEDULE A—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES— <i>Concluded</i>		
	VETERANS AFFAIRS		
	<i>Soldier Settlement and Veterans' Land Act</i>		
494	Protection of security—Soldier Settlement, and refunds of surplus to veterans.....	3,300	
495	Purchase of land and permanent improvements; cost of permanent improvements to be effected; removal of encumbrances; stock and equipment; and protection of security under the Veterans' Land Act.....	34,743,975	
			107,188,123
			*3,688,940,895

* Net total \$1,485,702,081.72

SCHEDULE B.

Based on the Supplementary Estimates, 1961-62. The amount hereby granted is \$49,822,651.25, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 4, 1961*.

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
AGRICULTURE			
PRODUCTION AND MARKETING BRANCH			
496	Agricultural Stabilization Act Administration—Further amount required.....	142,479	
497	Contribution to Manitoba for expenses incurred in the period July 18, 1959, to May 24, 1961, in respect of crop insurance in the amount that would otherwise have been paid if the agreement entered into on the 24th day of May, 1961, by Canada with Manitoba pursuant to the Crop Insurance Act had been entered into on the 18th day of July, 1959.....	174,393	
498	Subsidies for Cold Storage Warehouses under the Cold Storage Act.....	250,161	
Dairy Products Division—			
499	Grants and Other Assistance in accordance with the Cheese and Cheese Factory Improvement Act — Further amount required.....	56,383	
Fruit and Vegetable Division, including Maple Products and Honey—			
500	Assistance in construction of potato warehouses under terms and conditions approved by the Governor in Council—Further amount required.....	69,594	
Health of Animals Division—			
501	Operation and Maintenance—Further amount required....	532,690	
502	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	51,500	
503	Compensation for Animals Slaughtered—Further amount required.....	1,380,000	
504	Contributions to the Provinces, in accordance with regulations of the Governor in Council, of amounts not exceeding two-fifths of the amounts paid by the Provinces to owners of animals that have died as a result of rabies since the first day of July, 1960.....	15,000	
Livestock Division—			
505	Special grant to Calgary Exhibition and Stampede.....	200,000	
			2,922,200
CIVIL SERVICE COMMISSION			
506	Salaries and Contingencies of the Commission—Further amount required.....		211,455
DEFENCE PRODUCTION			
A—DEPARTMENT			
507	For the establishment of production capacity and for capital assistance—Further amount required.....		1,240,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	EXTERNAL AFFAIRS		
	A—DEPARTMENT		
508	Representation Abroad—Operational Expenses—Further amount required.....	199,555	
509	Representation Abroad—Construction, acquisition or improvement of buildings, works, land, equipment and furnishings—Further amount required.....	44,600	
510	Gift to commemorate the independence of Sierra Leone.....	5,000	
	EXTERNAL AID OFFICE		
511	Salaries and Expenses—Further amount required.....	87,054	
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
	Bilateral Economic Aid Programs—		
512	West Indies Assistance Program—Further amount required	390,000	
513	Educational Assistance for Independent French-Speaking African States.....	300,000	
	Special Aid Programs—		
514	Expenses in connection with Canada's participation in the World Refugee Year, for the completion of the Tuberculous Refugee Program—Further amount required....	60,000	
	OTHER PAYMENTS TO INTERNATIONAL ORGANIZATIONS AND PROGRAMS		
515	Contribution to the program of the North Atlantic Treaty Organization's Science Committee—To increase by \$61,400 U.S. the amount of the contribution provided for in Vote 103, Main Estimates, 1961-62; the equivalent in Canadian dollars, estimated as of May, 1961, is.....	60,570	
516	Assessment for the United Nations Congo Ad Hoc Account for 1961 in an amount of \$3,080,733 U.S., notwithstanding that payment may exceed or fall short of the equivalent in Canadian dollars, estimated as of May, 1961, which is.....	3,044,150	
			4,190,929
	FINANCE		
	GENERAL ADMINISTRATION		
517	Comptroller of the Treasury—Central Office and Branch Offices Administration—Further amount required.....	104,000	
	ADMINISTRATION OF VARIOUS ACTS AND COSTS OF SPECIAL FUNCTIONS		
518	Administration of the Farm Improvement Loans Act, the Veterans' Business and Professional Loans Act, the Fisheries Improvement Loans Act, the Prairie Grain Producers' Interim Financing Act, the Prairie Grain Loans Act and the Small Businesses Loans Act—Further amount required....	14,954	
	CONTINGENCIES AND MISCELLANEOUS		
519	Miscellaneous minor or unforeseen expenses, subject to the approval of the Treasury Board—Further amount required.	1,500,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	<i>FINANCE—Concluded</i>		
	GENERAL ITEMS OF PAYROLL COSTS INCLUDING SUPERANNUATION PAYMENTS		
520	To authorize the Governor in Council to add to Part I of Schedule A to the Public Service Superannuation Act (a) such part of the staff of Government House as is paid by the Governor General from his salary or allowance, (b) notwithstanding subsection (2) of section 9 of the Canadian Overseas Telecommunication Corporation Act, the Canadian Overseas Telecommunication Corporation, and (c) notwithstanding subsection (1) of section 5 of the Government Companies Operation Act, Canadian Arsenals Limited; and to authorize the Governor in Council to make regulations respecting the terms and conditions under which any employee of the Canadian Overseas Telecommunication Corporation or Canadian Arsenals Limited who is, on the addition of those corporations to Part I of Schedule A, a member of a pension plan to which either corporation contributes in respect of him, may elect not to become a contributor under the Public Service Superannuation Act.....	1	1,618,955
	<i>FISHERIES</i>		
	Conservation and Development Service—		
521	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	263,866	
522	Inspection and Consumer Service—Further amount required..	155,000	
	<i>SPECIAL</i>		
523	Canadian share of expenses of the International Commissions detailed in the Estimates—Further amount required.....	200,000	
524	Newfoundland Bait Service—Further amount required.....	30,000	
525	Assistance in the construction of vesse's of the dragger or long liner type—Further amount required.....	50,000	
	<i>FISHERIES RESEARCH BOARD OF CANADA</i>		
526	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	124,300	923,166
	<i>FORESTRY</i>		
527	Contribution to the Province of New Brunswick for assistance in a program designed to combat the spruce budworm infestation, in accordance with an agreement entered into by Canada and the Province.....	500,000	
	<i>FOREST RESEARCH BRANCH</i>		
528	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	63,000	563,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	GOVERNOR GENERAL AND LIEUTENANT-GOVERNORS		
529	To authorize reimbursement to the Lieutenant-Governors of the Provinces of Canada of the costs of travelling and hospitality incurred in the exercise of their duties—Further amount required and to increase the maximum amounts set out in Vote 163 of the Main Estimates, 1961-62, as follows: (a) where the population of the province at the last decennial census did not exceed 500,000, \$7,500; (b) where the population of the province at the last decennial census exceeded 500,000, \$7,500 plus \$1,500 per each 100,000 or fraction of 100,000 of population over 500,000, but not exceeding \$18,000 in any case.	43,000
	JUSTICE		
	B—PENITENTIARIES		
530	Operation and Maintenance of Penitentiaries—To ratify all payments of gratuities purporting to have been granted pursuant to the Penitentiary Act to retired officers to whom Part II of the Civil Service Superannuation and Retirement Act applied but who did not contribute to the Retirement Fund, and to authorize the exemption of R. W. Read, A. W. Clermont, A. K. Gibson and J. N. Nadeau from the provisions of Part II of the Civil Service Superannuation and Retirement Act and the Public Service Superannuation Act in order that they may qualify for payment of gratuities on retirement under the provisions of section 37 of the Penitentiary Act and to provide a further amount of.....	350,185	
531	Construction, Improvements and Equipment—Further amount required.....	900,000	1,250,185
	LABOUR		
	A—DEPARTMENT		
	GENERAL ADMINISTRATION		
532	Civilian Rehabilitation Branch including payments to the Provinces to implement a program for the rehabilitation of disabled persons, in accordance with terms and conditions approved by the Governor in Council—Further amount required.....	18,500	
	TECHNICAL AND VOCATIONAL TRAINING ASSISTANCE		
533	Administration—Further amount required.....	36,670	
534	To carry out the purposes of the Technical and Vocational Training Assistance Act and agreements made thereunder, including authority, notwithstanding section 30 of the Financial Administration Act, to make commitments for the current fiscal year in an amount of \$508,700 in excess of the total amount voted in this fiscal year—Payments to the Provinces—Further amount required.....	20,000,000	20,055,170
	LEGISLATION		
	THE SENATE		
535	General Administration—Further amount required.....		5,000

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
MINES AND TECHNICAL SURVEYS			
A—DEPARTMENT			
GEOLOGICAL SURVEY OF CANADA			
536	Administration, Operation and Maintenance—Further amount required.....	50,000	
MINES BRANCH			
537	Administration, Operation and Maintenance—To extend the purposes of Vote 220 of the Main Estimates for 1961-62 to include Canada's share of the cost of the Commonwealth Committee on Mineral Processing and to provide a further amount of.....	25,375	
DOMINION OBSERVATORIES			
538	Dominion Observatory, Ottawa and Field Stations— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	39,000	
539	Dominion Astrophysical Observatory, Victoria, B.C.— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	84,000	
GENERAL			
540	Purchases of Air Photography and the expenses of the Inter-Departmental Committee on Air Surveys—Further amount required.....	338,000	
			536,375
NATIONAL DEFENCE			
DEFENCE RESEARCH AND DEVELOPMENT			
541	Defence Research Board— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	1,100,000	
GENERAL SERVICES			
542	Final instalment on Grant to assist in the construction of the Soldiers' Memorial Hospital at Middleton, Nova Scotia (Revote).....	33,897	
PENSIONS AND OTHER BENEFITS			
543	To provide that Herbert John Weatherhead be deemed to have been designated by the Governor in Council pursuant to paragraph (j) of subsection (1) of section 4 of the Public Service Superannuation Act on the 1st day of October, 1960, and that he be deemed for all purposes of the said Act to have been a contributor thereunder during the period October 1, 1960, to November 20, 1960.....	1	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	NATIONAL DEFENCE—Concluded		
	PENSIONS AND OTHER BENEFITS—Concluded		
544	To authorize in respect of members of the Royal Canadian Air Force on leave without pay and serving as instructors with civilian training organizations operating under the British Commonwealth Air Training Plan who were killed, payments to their dependents of amounts equal to the amounts such dependents would have received under the Pension Act, as amended, had such service as instructors been military service in the armed forces of Canada, less the value of any benefits received by such dependents under insurance contracts which were effected on the lives of such members of the Royal Canadian Air Force by or at the expense of the civilian organizations—Further amount required.....	2,590	
545	To authorize the Governor in Council, in respect of persons that elected to come under Part V of the Militia Pension Act or the Defence Services Pension Act, to prescribe the terms and conditions under which a period of service in respect of which such persons, while subject to Parts I to IV of either of the said Acts, made a payment to the Receiver General that purported to be a deduction, shall be deemed to be pensionable service for all purposes of the Canadian Forces Superannuation Act (or a former Act as defined therein) from the date of such election to come under the said Part V.....	1	
546	To authorize the Treasury Board to make regulations respecting the counting as pensionable service, for the purposes of the Canadian Forces Superannuation Act, of any period not otherwise countable as such, during which a person, before becoming a contributor under the said Act, performed on a full-time basis duties of a kind specified in the regulations to be for the benefit of the Crown in right of Canada, and providing, except in the case of a person who has ceased to be a member of the regular forces (for which case the regulations may otherwise provide) that the Canadian Forces Superannuation Act shall apply as though such period were a period of service in a portion of the public service of Canada that is countable pursuant to clause (A) of subparagraph (ii) of paragraph (b) of section 5 of that Act with effect from a day specified in the regulations.....	1	
547	To authorize the Governor in Council to make regulations prescribing the terms and conditions under which a period of full-time service during time of war or otherwise in an organization or position that, in His opinion, was in support of any of the forces specified in clauses (E) and (F) of subparagraph (ii) of paragraph (b) of section 5 of the Canadian Forces Superannuation Act may, for the purposes of that Act, be counted by a contributor as if such service were a period of service in the forces specified in the said clauses..	1	
		1,136,491	
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
548	Departmental Administration including Canada's share of the expenses of the "Resources for Tomorrow" Conference—Further amount required.....	31,334	
	NATIONAL PARKS BRANCH		
549	National Parks and Historic Sites and Monuments—Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	987,750	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
NORTHERN AFFAIRS AND NATIONAL RESOURCES—Concluded			
WATER RESOURCES BRANCH			
550	Contributions to the Provinces towards the construction of dams and other works to assist in the conservation and control of water resources in accordance with agreements entered into between Canada and the Provinces—Further amount required	1,000,000	
NORTHERN ADMINISTRATION BRANCH			
Education Division—			
551	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	280,400	
Welfare and Industrial Divisions—			
552	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	66,600	
Yukon Territory—			
553	Operation and Maintenance—To extend the purposes of Vote 302 of the Main Estimates for 1961-62 to include the grant detailed in these Estimates.....	1	
Northwest Territories and Other Field Services—			
554	Operation and Maintenance—To extend the purposes of Vote 304 of the Main Estimates for 1961-62 to include authority to sell electric power and fuel oil (and to provide services in respect thereof), in accordance with the terms and conditions approved by the Governor in Council, to private consumers in remote locations where alternative local sources of supply are not available and to provide for grants as detailed in these Estimates....	110,000	
555	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	1,317,300	
			3,793,385
PRIVY COUNCIL			
SPECIAL			
556	Expenses of the Royal Commission on railway problems— Further amount required.....	56,580	
557	Expenses of the Royal Commission on Government Organization—Further amount required.....	1,577,480	
558	Expenses of the Royal Commission on Canadian Magazines and Other Periodicals including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	35,600	
559	Expenses of the Royal Commission on the Motor Vehicles Industries including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	16,000	
560	Expenses of the Royal Commission on Health Services including the payment, notwithstanding the Civil Service Act, of honoraria or allowances as may be authorized by the Treasury Board to officers, clerks or employees permanently employed in the Civil Service for services rendered by them to the Commission.....	125,000	
			1,810,660

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
PUBLIC WORKS			
PUBLIC BUILDINGS CONSTRUCTION AND SERVICES			
	Construction, acquisition, major repairs and improvements of, and plans and sites for, public buildings listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
561	Nova Scotia.....	119,000	
562	New Brunswick.....	75,000	
563	Quebec.....	1	
564	Ottawa.....	1	
565	Ontario (other than Ottawa).....	1	
566	Saskatchewan.....	1	
567	Alberta.....	175,000	
HARBOURS AND RIVERS ENGINEERING SERVICES			
	Construction, acquisition, major repairs and improvements of, and plans and sites for, harbour and river works listed in the details of the Estimates, including expenditures on works on other than federal property, provided that Treasury Board may increase or decrease the amount within the vote to be expended on individual listed projects—Further amounts required—		
568	Newfoundland.....	1	
569	Nova Scotia.....	320,000	
570	Prince Edward Island.....	181,000	
571	New Brunswick.....	1	
572	Quebec.....	1	
573	Ontario.....	1	
574	British Columbia and Yukon.....	1	
575	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	150,000	
576	Maintenance and Operation of Graving Docks, Locks and Dams—Further amount required.....	75,000	
CENTRAL MORTGAGE AND HOUSING CORPORATION			
577	To reimburse Central Mortgage and Housing Corporation for losses sustained by it during the fiscal year 1960-61 as a result of the operation of Federal-Provincial projects undertaken under section 36 of the National Housing Act, 1954...	253,790	
			1,348,799
ROYAL CANADIAN MOUNTED POLICE			
	Land, Air and Training Divisions—		
578	Operation and Maintenance—Further amount required....	202,627	
	Marine Services—		
579	Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required.....	10,888	
PENSIONS AND OTHER BENEFITS			
580	Pensions to families of members of the Mounted Police who have lost their lives while on duty, as detailed in the Estimates—Further amount required.....	1,872	
			215,387

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
TRADE AND COMMERCE			
A—DEPARTMENT			
GENERAL ADMINISTRATION			
581	Departmental Administration—Further amount required.....	299,335	
582	Exhibitions Branch—Further amount required.....	307,050	
			606,385
TRANSPORT			
A—DEPARTMENT			
583	Departmental Administration—Further amount required.....	47,585	
MARINE SERVICES			
584	Marine Regulations including Pilotage and Marine Reporting Services— Administration, Operation and Maintenance—To extend the purposes of Vote 412 of the Main Estimates for 1961-62 to include the grants detailed in these Estimates.....	2,488	
RAILWAY AND STEAMSHIP SERVICES			
585	Bell Island—Portugal Cove, Newfoundland Ferry Service—Repairs and Improvements to Terminal Facilities owned by Newfoundland.....	97,400	
586	Railway to Great Slave Lake—Location Survey—Further amount required.....	193,908	
AIR SERVICES			
Civil Aviation Branch			
587	Contributions, in accordance with terms and conditions approved by the Governor in Council, to assist in the establishment or improvement of local airports and related facilities—Further amount required.....	100,000	
Telecommunications and Electronics Branch			
588	Radio Aids to Air and Marine Navigation—Administration, Operation and Maintenance—Further amount required.....	128,760	
Meteorological Branch			
589	Administration, Operation and Maintenance—Further amount required.....	400,000	
B—GENERAL			
BOARD OF TRANSPORT COMMISSIONERS			
590	Interim payments, related to recommendations of the Royal Commission on Railway Problems pending its complete report, to Companies as defined in the Freight Rates Reduction Act of an aggregate amount in respect of the calendar year 1961 of \$50,000,000, to be paid in instalments at such times and in accordance with such method of allocation as may be determined by the Board of Transport Commissioners for Canada, as compensation to such Companies for the maintenance of their rates on freight traffic at reduced levels as provided for in the said Act.....	50,000,000	

SCHEDULE B—Continued

No. of Vote	Service	Amount	Total
		\$	\$
	TRANSPORT—Concluded		
	B—GENERAL—Concluded		
	CANADIAN MARITIME COMMISSION		
591	Steamship Subventions for Coastal Services, as detailed in the Estimates—Further amount required.....	179,000	
592	Capital subsidies for the construction of commercial and fishing vessels in accordance with regulations of the Governor in Council.....	10,000,000	
	NATIONAL HARBOURS BOARD		
593	Advances to National Harbours Board, subject to the provisions of section 29 of the National Harbours Board Act, to meet expenditures applicable to the calendar year 1961 on the following account: Reconstruction and Capital Expenditures—Quebec— Further amount required.....\$1,300,000 Less—Amount to be expended from Replacement and Other Funds..... 250,000	1,050,000	
	ST. LAWRENCE SEAWAY AUTHORITY		
594	Operating deficit and capital requirements of Canals and Works entrusted to the St. Lawrence Seaway Authority—Further amount required.....	366,000	62,565,141
	VETERANS AFFAIRS		
	Treatment Services—		
595	Operation of Hospitals and Administration—Further amount required.....	350,000	
596	Hospital Construction, Improvements, Equipment and Acquisition of Land—Further amount required.....	200,000	
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
597	Treatment and Other Allowances—Further amount required..	525,000	
	MISCELLANEOUS PAYMENTS		
598	Burials and Memorials—Further amount required	185,000	
	CANADIAN PENSION COMMISSION		
599	Pensions for Disability and Death, including pensions granted under the authority of the Civilian Government Employees (War) Compensation Order, P.C 45/3848 of November 22, 1944, which shall be subject to the Pension Act; and including Newfoundland Special Awards—Further amount required.....	31,250,000	32,510,000

SCHEDULE B—*Concluded*

No. of Vote	Service	Amount	Total
		\$	\$
	LOANS, INVESTMENTS AND ADVANCES		
	JUSTICE		
	<i>Penitentiaries</i>		
600	To increase to \$1,000,000 the amount that may be charged at any time to the revolving fund established by Vote 628 of the Appropriation Act No. 2, 1955, and extended by Vote 657 of the Appropriation Act No. 5, 1958, for the purpose of acquiring and managing any stores or materials required for penitentiary use; additional amount required.....	400,000	
	PUBLIC WORKS		
	<i>Central Mortgage and Housing Corporation</i>		
601	Advances pursuant to sub-section (4) of section 36 of the National Housing Act, 1954, in respect of housing and land development projects undertaken jointly with the governments of the provinces during the fiscal year 1960-61.....	12,500,000	
	TRANSPORT		
602	To increase to \$9,000,000 the amount that may be charged at any time to the revolving fund mentioned in subsection (2) of section 101 of the Financial Administration Act, Chap. 12, Statutes of 1951 (2nd Session), and extended by Vote 630 of the Appropriation Act No. 2, 1955, Vote 662 of the Appropriation Act No. 5, 1958, and Vote 710 of the Appropriation Act No. 3, 1960; additional amount required.....	2,000,000	
			14,900,000
			*152,445,683

* Net total \$49,822,651.25.

SCHEDULE C.

Based on the Further Supplementary Estimates (1), 1961-62. The amount hereby granted is \$7,918,749.99, being the total of the amounts of the items in the said Estimates as contained in this Schedule, less the amounts voted on account of the said items by the *Appropriation Act No. 4, 1961.*

SUMS granted to Her Majesty, by this Act for the financial year ending 31st March, 1962, and the purposes for which they are granted.

No. of Vote	Service	Amount	Total
		\$	\$
	AGRICULTURE		
	PRODUCTION AND MARKETING BRANCH		
	Livestock Division—		
603	To extend the purposes of Vote 23 of the Main Estimates for 1961-62 to authorize, subject to the terms and conditions thereof, the issue by the Minister of Agriculture of Premium Warrants for High Grade Lamb Carcasses, and to provide a further amount of.....	380,000	
	Plant Products Division—		
604	Contributions to Alberta, Saskatchewan and Manitoba in accordance with terms and conditions prescribed by the Minister of Agriculture, of one-half of the amounts paid by those Provinces in respect of the transport of fodder and haying equipment and the movement of cattle to feed in the period from the 26th day of June, 1961, to the 31st day of March, 1962.....	1,500,000	
605	Contribution to Prince Edward Island, in accordance with terms and conditions prescribed by the Governor in Council, of one-half of amounts paid by that Province to potato growers in respect of their 1960 crop as compensation for losses due to fusarium rot to a maximum contribution by Canada of \$300 in respect of any one farm.....	125,000	
			2,005,000
	EXTERNAL AFFAIRS		
	CONTRIBUTIONS TO INTERNATIONAL ECONOMIC AND SPECIAL AID PROGRAMS		
	Special Aid Programs—		
606	Purchase of flour to be given to the United Nations Relief and Works Agency for Palestine Refugees in the Near East.....		1,500,000
	FINANCE		
	CONTINGENCIES AND MISCELLANEOUS		
607	To supplement the Estimates of other Departments for programs which will provide employment in Cape Breton.....		120,000
	FORESTRY		
608	Contribution to Nova Scotia, in accordance with such terms and conditions as the Governor in Council may approve, in respect of a program of forest stand improvement which will provide employment in Cape Breton.....		280,000

SCHEDULE C—Concluded.

No. of Vote	Service	Amount	Total
		\$	\$
	NORTHERN AFFAIRS AND NATIONAL RESOURCES		
	NATIONAL PARKS BRANCH		
609	National Parks and Historic Sites and Monuments— Construction or Acquisition of Buildings, Works, Land and Equipment—Further amount required in respect of a program which will provide employment in Cape Breton.....		1,100,000
	VETERANS AFFAIRS		
	WAR VETERANS ALLOWANCES AND OTHER BENEFITS		
610	War Veterans Allowances—Further amount required.....		15,300,000
			*20,305,000

* Net total \$7,918,749.99.

ROGER DUHAMEL, F.R.S.C.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1961

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